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**The Implications of Legal Change and Political
Reform for the Workings of the
Majlis A' Shura and Majlis A' Dawlah
in Oman
(1981-2003)**

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Said Masoud Naoom Al Kathiri



Abstract

A number of difficulties presented themselves in the attempt to draw together a cohesive study on the experiences and the implications of legal change and political reforms in the Sultanate of Oman from 1981-2003. The biggest obstacle has been a lack of research in this area. However, by focusing on the two chambers of the Council of Oman - Majlis A' Shura and Majlis A' Dawlah we attempt to fill in some of the more important gaps by focusing on how Arabs were already practicing some of the legal and political approaches similar to those of Shura before Islam, Shura in Islam, and democratic practices in Oman traditionally through to modern times. We look at Oman itself, the structure of its political system and administrative divisions. The study presents various views on the political reforms to date in the Co-operation Council of Gulf Arab States (GCC) and Oman, and discusses the historical ties between the citizens of these countries, the resemblance of the political regimes, the statues quo and the visions for the future. This research takes account of the State Consultative Council (SCC 1981-1990) as the first formal (representative) institution and advisory authority formed by the government where members are fully appointed. The Majlis Shura (the Shura Council) is examined this replaced the previous Council in 1991, and this study analyses its tasks, duties and power, and considers its working mechanisms. The study looks at the Majlis A'Dawlah (the State Council) established in 1997 and its merging with Majlis A'Shura to form the Council of Oman; the main objectives leading to the establishment of the State Council; and the similarities and differences between the two Councils. The study also analyses through a survey the key reasons (internal and external) behind the establishment of Majlis A'Shura, and evaluates the legal and political reforms process through the two councils and the negative impact of

the 1997 amendments on the role of the Majlis A' Shura. The final part of the study makes recommendations for future development and improvements in the role and performance of the Majlis Shura as well as the Shura as a whole.

Acknowledgments

Thank God. for His help with this work

I owe a great debt of gratitude to: my mother Khair who has always enfolded me with her love and affections, to my late father Masoud and my grandmother Stana who unfortunately both passed away while I was pursuing my studies abroad, making it impossible for me to attend their funerals; to my elder late brother Salem who always helped me; and to my younger late brother Mustahil who always supported me in my endeavours to complete my studies and to his late wife Khair, their late only son Said my nephew, and to my other late nephew Ali who were all sadly killed in the same car crash;— God give them mercy and peace.

Special thanks to my other brother, Ahmed; and to my sisters Fatma, Tafool, and Khair for their support. My heartfelt thanks and gratitude to my beloved wife Tafool for her encouragement and enduring looking after the children throughout the period of my study. Many thanks to my supervisor, Professor Anoush Ehtishami, for his valuable comments and advice. I am most grateful to the people who allowed me to interview them for this study. I also appreciate the assistance and advice from the many other people, during the preparation of this work. And finally, I would also like to express gratitude to all those who dedicated their lives and who paid the ultimate price for the sake of knowledge and a brighter future of my country.

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Chapter 1

Introduction to the Study

1.1 Rationale and obstacles to the Study

This research is the first academic study of significance to examine together both the Council of Oman and its two chambers known as the Majlis A' Shura and the Majlis A' Dawlah. To date there has been little objective or comprehensive academic research that provides an impartial analysis of the legal and the political changes and reforms that have been brought about in Oman. Previous studies have dealt only with the Majlis A' Shura.

The lack of non-governmental documents and objectivity of governmental documents presented many obstacles and difficulties in producing facts in an impartial and academic way. Another main obstacle was the scarcity of foreign sources dealing with this subject. In order to overcome these obstacles, an interview questionnaire was distributed to the members of the Majlis A' Shura and Majlis A' Dawlah - by the general secretary of each council. Unfortunately, of the two councils only two of the eighty-three members of the Majlis A' Shura (one male and one female) responded and they expressed their answers very generally and in brief terms only while no one from the State Council responded. Their members attribute this reluctance basically to the general policy of the government and the policies of the two councils that prohibit the release of information pertaining to the councils.

In order to gather other views, interviews were conducted with approximately 120 people outside the two councils in order to poll for public opinion and evaluation of the Councils. The interviews were conducted among both men and women across most social categories and from different levels and stages of education. An attempt was made to construct open questions so that the respondents were not restricted to set answers as is the case with most

questionnaires. The aim was to give the interviewees the freedom to express their opinions frankly.

Because of the shortage of experience in the area under discussion, and the lack of resources, particularly non-official resources, this work focuses predominately on examining in detail the composition, role, functions and powers of the Council as stipulated by the relevant royal decrees to show the stages it has passed through during its different terms of office.

1.2 Objective of the Study

This study is the first comprehensive academic work to study the two chambers together. We found there is no previous detailed history or accounts relating to the Council of Oman and its two chambers. One of the objectives of this study is to provide an in-depth, objective description and analysis of both the Majlis A' Shura and Majlis A'Dawla.

Another fundamental objective of the thesis is to examine the role of the Majlis A' Shura in the construction and betterment of the Omani society. The third objective of the study is to investigate the role and contribution of the two councils to the country's development.

Thus this research aims to set a strategic vision for the Majlis A' Shura in order to enhance and improve its role and performance. More precisely, the main objectives can be summarized to investigate and evaluate the roles, which have been played by the two councils - in particular, Majlis A' Shura – and to put forward proposals and recommendations pertaining to the future of the Shura and democratisation in Oman.

The study mainly covers the period from the establishment of Al Majlis El- Isteshary Lil Dawlah (The State Consultative Council), a fully appointed body in 1981, and covers its different periods of development and the member categories including the kind of sectors they represented. We then examine the different periods of the Majlis A' Shura (the Consultation Council), which replaced the above-mentioned consultative council in 1991 through the Royal Decree No 94/91. This section of the study discusses the different periods of Majlis A' Shura its formation and development, internal structures, changes and other pertinent information to illustrate as much as possible its true status. To date, the

Majlis A' Shura has held five terms (1991-1994, 1994-1997, 1997-2000, 2000-2003 and 2003-2007). It is the representative body of all wilayats (provinces) of the country and is different from the previous body (Al-Majlis E-Isteshary) in that its members came from the Government, (National) and Private sectors as the government has proscribed them. During the first term (1991-1994) each wilayat was represented by one member from the Majlis A' Shura. During the next terms the number of representatives for each wilayat was changed based on the size of its population (wilayats with a population of 30,000 and over had the right to be represented by two members).

Finally, the study examines the merging of the Majlis A' Dawlah (the State Council) a fully appointed body founded in the year 1997 with the Majlis A' Shura another body founded in 1997 under the title Majlis Oman (the Council of Oman).

1.3 Hypothesis

The Majlis A' Shura could become an important authority contributing and facilitating a quality shift in changes and transitions politically, economically, socially - as well as in other important areas - if positive changes and reforms are continued and the necessary power for the Majlis to perform its hypothesized role is granted. The role of the Majlis should expand in line with democratic principles; and the right of the public to participate politically through the Majlis should be fully recognized. It is argued that it is necessary to grant more power to the Majlis in this way in order that the political efficiency and economy of the country might be enhanced.

The Council of Oman, with its two chambers, can certainly play a significant role both internally and externally if it obtains the necessary power needed in order to assume its presupposed and expected role as a national assembly. We argue that the Council of Oman and its two chambers (Majlis A'Shura and Majlis A'Dawlah) are lacking both real legislative and controlling power. They actually play a very weak role both as a joint body and as separate councils. The Council of Oman does not have the right to discuss the affairs of fundamental ministries, such as those concerned with foreign policy, defence, Diwan affairs, finance affairs, security and petroleum. The two bodies of the Oman Council are allowed to discuss those affairs of the service ministries, concerning matters such as social

affairs, health, manpower, housing and other issues of a similar nature. Discussions regarding the activities of these ministries and other general issues do not lead to any effective results or important decision making only recommendations and suggestions can be made.

This thesis mainly focuses on the Majlis A' Shura as a representative body, and details most of its steps and events by examining its development through its different developmental periods. It can be said, that each of the councils, which this study is concerned with has its own significance. But the Majlis A' Shura, in spite of its limited power and inefficiency in general, is still the most important of these councils for several reasons, the most important being that it has become a representative and elected body. The significance of the Majlis A' Shura lies not so much in its current role, but rather in the concept of political participation itself, and in the hope and vision that the Majlis will become more active and effective in the future.

1.4 The structure of the study

This thesis has been divided into ten chapters. Chapter 1 the introduction focuses mainly on: How Arabs were practicing some approaches similar to Shura before Islam - the Shura in Islam and practices of democracy in Oman both traditionally and in modern times; definitions and debates of democracy and democratisation including the Shura and Islamic System and the Shura and democracy, which are the main objectives of the study; and discusses the importance of reform in the Middle East presenting significant comments and views on political reforms in the Gulf Co-operation Council States (GCC) and Oman.

Chapter 2 is concerned mainly with the structure of the political and administrative system in Oman, showing the significance of the administrative division in the Sultanate of Oman, its changing over different administrative periods, the economic and political reasons behind each period of administrative division, and centralization of power. This chapter also discusses the cabinet and its performance, and the specialized councils - their establishment and their tasks.

Chapter 3 looks at the Co-operation Council of the Gulf Arab States (GCC), the historical ties between the citizens of these countries, and the common interests between the rulers. The chapter also discusses the reasons and motives, which led to the establishment of the GCC and the resemblance of the systems in the GCC States showing the analogous system of the governance. The economic and political structure indicates obstacles and strategic vision for the future.

Chapter 4 deals with Al Majlis El-Isteshary Lil Dawlah (the State Consultative Council SCC) as the first formal institution formed by the government in which its members are in fact fully appointed. The chapter examines the functions, operations and the mechanisms of the SCC's working as well as its membership, which consists of a mixture of representatives; and takes a look at the Government representatives in their personal capacities as under-secretary of ministers, ex-officio members and government members. The representatives of the National sector, which is divided into the private sector and regional sector and shows the changes in the number of representatives for each sector under the different terms. It is of note that the members of the State Consultative Council (SCC) are not represented wilayats as they are with the Majlis A' Shura.

Chapter 5 introduces the main reasons behind the establishment of the Majlis A' Shura, which has replaced the previous State Consultative Council SCC and discusses in detail its five terms in order to give a real picture of the Council. This chapter also illustrates through different terms the simple changes, which happened during the period (1991-2003) and the kinds of participation practiced showing the styles and the ways that were used in the first stages to nominate the candidates to Majlis A' Shura before the final selection. The chapter also details the changes occurring in the number of members of the Majlis and the number of voters reached during the election held in the latter term (2003-2007).

Chapter 6 explains the main parts of the Majlis A' Shura and their functions and working mechanisms. An examination shows the Majlis works through its different parts and the relations between them, the sessions' system, their periods, appointment of the president and the choosing of his two vices, the forming of the Majlis Bureau, and the tasks of the functions of the Secretary-General as an administrative apparatus of the council. This

chapter also discusses the membership of Majlis A'Shura, its conditions, the validity of the membership, the immunity of members, and the procedures followed if a membership post becomes vacant; the forming of the main permanent special committees and their duties; and the instigation of amendments and how the council issues its recommendations and raises them with the concerned authorities.

Chapter 7 looks at the establishment of the Majlis A' Dawlah and its relationship with the Majlis A' Shura. We look at the cooperation needed in building a modern state and the welfare of the state and the pivotal role of the institutions. The chapter also discusses the structure of parliaments and how they vary according to the political system in which they operate and the similarities and differences between a one chamber system and the two chambers (bicameral) system.

Chapter 8 looks at the methods used in the survey conducted of public opinion and analyses the results. A copy of the questionnaire used is included I Appendix 1.

Chapter 9 evaluates the role of Majlis A'Shura and the reform process.

Chapter 10 summarizes the main arguments and discussions of the study regarding legal political changes and reforms. It looks at several significant cases such as governmental jobs as an obstacle to membership within Majlis A' Shura and puts forward suggestions for changes and improvements. The chapter concludes with recommendations for development and improvement of the working mechanisms of the Shura and democracy processes for the future.

1.5 Methodology

In order to bring to light the legal changes and political reforms processed since 1981, we need to start by reflecting on how the Majlis El-Isteshary Lil Dawla (the State Consultative Council) was replaced by the current Majlis A' Shura in 1991 and conducting an in-depth analysis of the different formational periods and changes resulting in the present form of the Council of Oman being adopted. We note that the methodology is bound by nature of this particular study to be a mix of descriptive, historical and inductive methodologies.

Descriptive methodology in this study allows us to deal with facts that need to be brought to light in detail maybe even for the first time. The description of political institutions in Oman is necessary as there is not enough published literature on this subject, i.e. the council of Oman. The critical analysis, which might logically follow from any descriptive analysis, has not been given the attention it deserves here, as we aim is to explain the situation rather than to pass judgment or criticism of the system as it stands. This approach does not mean that our point of view is ignored; but rather our attempt is to play down our critical ambitions and maybe put it off for another study.

Historical methodology has been used to understand the development and the changes, which occurred in the political system of Oman. Without understanding the past a claim of understanding the present would be unfounded. Any attempt to introduce new systems or ideas would be doomed to be unsuccessful if it does not conform to the ideals inherited from the past.

Inductive methodology has also been employed because we interested in the reality of the situation and its variables. A study of a political system without having a concrete idea on what people aspire for and long to achieve may be theoretically fruitful but fruitless in terms of practicality. Thus, interviews and questions were designed as a tool for this research. The study includes important historical, political and social background information as well as the opinions of a number of people from all Omani categories of society on various matters with a focus on the Majlis A' Shura and the reasons behind its establishment, its role, duties, functions in the present and in the future, and the attitudes of the citizens towards it. The interviews and dialogue contained several open questions, designed to obtain freely given opinions, and closed questions to gain suggestions on ways to improve the efficiency and process of the Shura and democracy.

This thesis aims to illustrate the legal changes and a limited number of political reforms made mainly through Majlis A' Shura and Majlis A' Dawlah (the State Council), as well as Al Majlis El-Isteshary Lil Dawlah; and to describe the role of these three Councils within

the political regime of the Sultanate of Oman thus giving a working evaluation of these three bodies during the period 1981-2003.

1.6 Definitions of Democracy and debates

Many political science experts define democracy as the power of the people. However, there are a variety of ways in which this power can be expressed according to different social contexts determined by socio-economic and cultural factors. Other definitions of the term go further in detail to say that democracy is the participation of the people in the administration of the state and society.

The word democracy was coined in Ancient Greece. The Athenian democracy is today considered to have been a form of direct democracy. In theory, all the Athenian citizens were eligible to speak and vote in the Assembly, which set the laws of the city-state. Political rights, or citizenship, were not granted to women and slaves.

"Greek democracy was fundamentally different from the contemporary American concept of democracy," when the Greeks said *"rule by the people,"* they meant rule by the people. Of course the term "people" could be applied quite restrictively. Political participation in Athens, for example, was limited to male citizens over the age of eighteen.¹ The definition of the word "democracy" from the time of ancient Greece up to now has not been constant. In contemporary usage, the term "democracy" refers to a government chosen by the people, whether it is direct or representative.

Democracy is, literally, rule by the people (from the Greek demos, "people," and kratos, "rule"). The methods by which this rule is exercised, and indeed the composition of "the people" are central to various definitions of democracy, but the general principle is that of majority rule. Other definitions include:

- *"Rule of the people, by the people, for the people."*²

¹ The Nature of Greek Democracy <http://www.wsu.edu:8080/~dee/110/8.HTM>

² Abraham Lincoln

- *“No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time”³*
- *The highest measure of democracy is neither the 'extent of freedom' nor the 'extent of equality', but rather the highest measure of participation.*
- *Democracy is not something you believe in or a place to hang your hat, but it's something you do. You participate, if you stop doing it, democracy crumbles.*
- *Democracy does not create strong ties between people. But it does make living together easier.*
- *Democracy does not guarantee equality of conditions - it only guarantees equality of opportunity.*
- *In a democracy dissent is an act of faith. Like medicine, the test of its value is not in its taste, but in its effects.*
- *In a democracy the people get what the majority deserves. As a rule, dictatorships guarantee safe streets and terror of the doorbell.*
- *In democracy the streets may be unsafe after dark, but the most likely visitor in the early hours will be the milkman.*
- *The best argument against democracy is a five-minute conversation with the average voter. Democracy is not just about fair, free, and frequent elections; it should also embody good governance.⁴*

Direct democracy, classically termed as pure democracy, is a political system where the people vote on government decisions, such as questions of whether to approve or reject various laws. It is called direct because the power of making decisions is exercised by the people directly, without intermediaries or representatives. A second form of democracy,

³ Sir Winston Churchill

³ Saliba Sarsar, Quantifying Arab Democracy in the Middle East Quarterly 2006

referred to as representative democracy is so named because the people do not vote on most government decisions directly, but select representatives to a governing body or assembly

Not so long ago governments were called democratic that excluded from the franchise all slaves, women, and free males that did not meet certain property or literacy requirements. Now it is considered perverse to call democratic any country so restricting the franchise, as for example, the South Africa apartheid regime that limited voting to minority whites. A third is the acceptance of certain so-called democratic rights, particularly the right to vote, the right to have one's vote count equally, the right to run for the highest office, and the right to organize political groups or parties.

Democracy may also be defined by its inherent nature and its empirical conditions. As to its nature, Aristotle defined democracy as rule by the people (Greek *demokratia*: *demos*, people + *-kratia*, *-cracy*), and this idea that in some way the people govern themselves is still the core meaning of democracy. But around this idea several related themes have developed that are now thought integral to what democracy means. One is that the people govern themselves by regular elections through which their highest leaders are periodically determined (representative democracy) or policies governing them are chosen (direct democracy.) A second is that the right to vote includes virtually all adults. This is an entirely modern addition.

1.7 The conditions of democracy

There is above the state a law to which all authorities adhere, that provides the framework for democratic rule, and that protects democratic rights. Democracy, therefore, now generally means that a people rule themselves through periodic elections of their highest leaders in which nearly all adults can participate, for which offices they are eligible, and under the rule of law.

In addition to this basic meaning, there is wide agreement on the empirical conditions that either give substance to what democracy means or must be present for democracy to exist. One is that the newspapers and other communication media are free to criticize government

policies and leaders. A second is that there is open competition allowed for political office, which usually is translated to mean that there is more than one political party competing for power. While a third is that there be a popularly and regularly elected legislature and head of government.

Moreover, it is now deemed necessary that election ballots be cast secretly, but that debate and voting by democratically elected representatives be public. Then there is also the widely accepted belief that democracies cannot coexist with lack of religious freedom and the right to hold and express unpopular ideas. Finally, for there to be a rule of law there must be fundamental documents which structure the government, elaborate the reciprocal rights and duties of government and the people, and which all governing officials and their policies must obey.

These are the generally accepted conditions of democracy. Among some democratic theorists and activists, however, it is also believed that democracy is inconsistent with a command economy, or that there must be guarantees of minority rights, or that government must be limited. Some also insist that democracy can only exist when the people also have economic power. But these and other such elaborations are really defining types of democracies (such as democratic socialist or democratic individualist) rather than the basic ideal or its conditions.

Rather than define a process of democratization, many have tried to define the empirical conditions necessary for the creation and success of democracy. In some of this work there tends to be confusion between the conditions of democracy itself, such as a free press and political parties, and that of successful democratization. If we understand the latter to mean those conditions that facilitate the creation of democracy and its stability, confusion can be avoided. In these terms most stress the importance of economic development to democratization, with the concomitant high levels of literacy and education, and modern communications. It is believed that democracy requires an aware and relatively educated electorate, and that moreover, where poverty and inequality is as severe as it is in the least economically developed nations, democracy cannot take root.

1.8 The role of political culture

Many democratic theorists now accept that democracy requires a political culture of negotiation, compromise, accommodation, and a willingness to lose. Where this culture is absent, democracy, even if created through revolution by the people themselves, cannot succeed. It is only with the development of democracy that their political cultures gradually became democratic. Whether political democracy or democratic culture came first is clearly a chicken and egg question, but whether it comes before or after democracy is created, it is widely recognized as essential to democratic stability. Other conditions have been proposed, such as the importance of a vigorous, bourgeois middle class, or the necessity for a depoliticized military.

Finally there is the question of why one should want a democracy? One argument is that people are all in nature equal, that it is a natural right that people govern themselves, that they be free in a democratic sense. Since each person is an individual with a free will and is equals in this sense to any other individual, the only system of natural governance is one in which all individuals collectively rule themselves.

1.9 The benefits of democracy

Another argument is that democracy is the social contract to which people in a state of nature would agree collectively had they no foreknowledge as to how they would personally benefit (as in gaining or losing property).

Of all arguments for democracy, however, the most popular are the utilitarian ones. Democracy creates the greatest happiness of the greatest number; it promotes economic and personal development; public policy is most effective because of its incremental nature and the feedback of democratic elections; people are freer and minorities better protected; equality is promoted and enhanced; and it enables gradual and incremental revolutionary change. But especially important here is the argument that democracy institutionalizes a means of non-violent conflict resolution - the willingness to negotiate, compromise, and debate, rather than to fight. Moreover, the ballot rather than the bullet is the very democratic ideal of voting to resolve differences and choose leaders. Moreover, the more

democracy there is the less likely there will be situations such as violent rebellion, revolution, civil war, bloody riots, anti-government terrorism. Finally, democratic leaders generally do not kill their own people through genocide, massacres, extra-judicial executions, and other forms of mass murder.

1.10 Democratisation

Democratization is the transition from authoritarian or semi-authoritarian systems to democratic political systems, where democratic systems are taken to be those approximating to universal suffrage, regular elections, a civil society, the rule of law, and an independent judiciary.⁵

R.J. Rummel argues that democratization is best understood as a long-term, dynamic, and open-ended process extending over generations. Other definitions of democracy are made complex by the varied concepts used in different contexts and discussions. Political systems, or proposed political systems, claiming or claimed to be democratic have ranged very broadly.

Democratization aims to promote a better understanding of democratization – defined as the way democratic norms, institutions and practices evolve and are disseminated both within and across national and cultural boundaries. While the focus is on democratization viewed as a process, the journal also builds on the enduring interest in democracy itself and its analysis. The emphasis is contemporary and the approach comparative, with the publication of scholarly contributions about those areas where democratization is currently attracting considerable attention worldwide.⁶

However, democratization has become an important concept in the last ten years. With the end of the Cold War, the spread of globalization, and the extension of economic regulatory regimes, democratization has come to be seen as important to securing long-term political

⁵ Democratization, <http://en.wikipedia.org/wiki/Democratization>

⁶ Democratisation, aim and scope, <http://www.tandf.co.uk/journals/titles/13510347.asp>

stability. Much has been written about democratization and gender in works on human rights, citizenship, women's movements and challenges to authoritarian regimes.⁷

Public deliberation has brought together people from a variety of backgrounds and viewpoints to work through different approaches to solving problems, using such institutional mechanisms as deliberative forums and citizens' juries. The voice of disadvantaged groups can be expressed under fair conditions in such forums, and become effective in shaping public policy.⁸

1.11 Democracy and Shura in Islam

Rule in Islam is based on the 3-point concept of Shura and is a consultative process in which the majority of people agree, as well as being the basic method used for choosing the ruler in Islam. It is also the means by which his decisions are approved.⁹ The first point of this concept is that all Muslims and all different schools of thought agree that leadership is defined by the Prophet in the saying '*If you are three make one your leader*' and can only be implemented by election. That is carried out in every district (wilayat) and at a higher level by the federal authority. The second point of the concept is that Majlis A'Shura is a group of elected experts and scholars. The task of such groups is to observe and oversee the ruler (muraqabat as-sultan). Their position is to form an opinion of the ruler and his rule, and to control any aspirations he may have to override the rights of the people. They must be aware of the variations in these rights within ethnic, cultural and environmental norms. The judicial system acts as a check to the executive and legislative branches, ensuring fair and correct implementation of law. Point three of the concept states that the Prophet prohibits the ruler who has been chosen or appointed to usurp authority he does not possess. He is tied to the law, which as the ruler is his duty to enforce. The Majlis A'Shura ensures that he does so.¹⁰

⁷ Shirin M. Rai, Mainstreaming gender, democratizing the state?

International mechanisms for the advancement of women,(isbn 0-7190-5978-X)

http://www.manchesteruniversitypress.co.uk/information_areas/subjects/politics/democratization_1.htm

⁸ Democracy as public deliberation New perspectives

⁹ Muhammad Abu Zahra in The History of Islamic Thought and Leadership in Politics and Belief,

<http://www.islamicsupremecouncil.org/Publications/Papers/islamanddemocracy-091502.htm>

¹⁰ Muhammad Abu Zahra in The History of Islamic Thought and Leadership in Politics and Belief,

<http://www.islamicsupremecouncil.org/Publications/Papers/islamanddemocracy-091502.htm>

1.11.1 Election of Leaders

From the beginning, Islam has mandated democracy through A'Shura (elected council of the leaders), a process through which people sit together, consult with one another and select one person to represent them. The people choose representatives who then gather to choose a leader. A clear example of democracy's role in Islam is manifested in the Prophet's (peace be upon him) passing without appointing a successor to rule the Muslim state. He intentionally left it to the Muslims to come together to make this crucial decision based on what he had taught them.

*"The Prophet never gave a single word or sign indicating who his successor would be, and in the meeting which took place to elect the caliph, the Companions were in utter disagreement as to who should succeed the Prophet, but in the end were able to choose Abu Bakr as-Siddiq by the consensus of the majority."*¹¹

In the Shura the whole group is responsible, all individuals within it are equal, and their affairs amongst them are democratic (Shura). Every individual has his place and specific role to play in which he must be allowed to participate. The Shura means participation in government and the people's right to decide on their affairs and choose their rulers, monitoring them and making them accountable and ensuring their adherence - in the decisions they make and creation of conditions for the nation's good - to take the opinion of the people directly or through their representatives, so that no individual or one party monopolizes the state to the exclusion of others.¹²

A detailed examination of Islamic thinking and practice shows that the alleged conflict between Islam and democracy is an illusion.¹³ It is important to compare democracy and its counterpart in Islam, Islamic political order (*shura*). There are two approaches to this comparison. The first sees Islam as a total way of life, whose teachings thus cover all

¹¹ The Azhar scholar Dr. Abu Zahra, democracy system in Islam, <http://www.islamicsupremecouncil.org/Publications/Papers/islamanddemocracy-091502.htm>

¹² Shura and democracy, <http://www.al-bab.com/yemen/pol/islah.htm>

¹³ Mishal Al Shamsi Democracy in the Arab world: the Islamic foundation 2005

aspects of Muslim existence, politics included – so defining Islam as both religion and state (*din wa dawlah*). The second approach compares liberal democracy as a system of governance in the west with the Islamic political order (specifically the *shura* system) as a system of government in Islam. It emphasizes that the state is only one aspect of Islam and that the Qur'an offers only very general guidelines with regard to Muslim public affairs. The Qur'an and the Prophet did not lay out any specific instructions or certain rules about the political system, but only general guidelines that can be interpreted according to Muslim circumstances in any given period.

This approach is found throughout much Arabic literature. First, it is much more accurate in describing the system of governance in Islam, which in fact did not create a new political system, but simply asserted and confirmed *shura*, which was already well-established in Arab tribes in the pre-Islamic period. Nor did Islam introduce imperative rules and procedures. Rather it drew very general guidelines and left the details to be interpreted as Muslims saw fit. Second, it is more logical to compare systems with systems rather than systems with religion. Thus, we should not compare Islam (a comprehensive way of life) with democracy (merely a system of governance). It is more logical to compare religion with religion – Islam with Christianity or Judaism – and democracy with *Shura*.

1.11.2 Democracy and Islam

The seeds of democracy were already present in the Islamic heritage. It is against despotic rule as well as social justice. Islam legislated *zakah* (obligatory charity) as one of its fundamental pillars and urged Muslims to pay *saddaqah* (voluntary charity) to the needy in order to prevent a deep rift between the rich and the poor in the Muslim community. Furthermore there was the establishment of *bait al-mal* (the treasury) to finance the community's needs. Umar bin al-Khattab, the second Rightly Guided Caliph set up the first electoral process in Muslim history in the 7th century to choose his successor. The concept of *al-Bay'ah* (pledge of allegiance) is understood to be a social contract between the ruler and the ruled. What is more it is the right of the people to criticize an unjust ruler; this stems from the doctrine of *al-'amr bil-ma'ruf wa al-nahi an al-munkar* (the duty of the believers to enjoin good and forbid evil.)

1.11.3 Democracy and Shura

As a concept and as a principle, Shura in Islam does not differ that much from the concept of democracy.¹⁴ Both Shura and democracy arise from the central consideration that collective deliberation is more likely to lead to a fair and sound result for the social good than individual preference. The two concepts also assume that majority judgment tends to be more comprehensive and accurate than minority judgment. As principles, Shura and democracy proceed from the core idea that all people are equal in rights and responsibilities. Both thereby commit to the rule of the people through application of the law rather than the rule of individuals or a family through autocratic decree. Both affirm that a more comprehensive fulfillment of the principles and values by which humanity prospers cannot be achieved in a non-democratic, non-Shura environment.¹⁵

Sadek J. Sulaiman does not see Shura as rejecting or incompatible with the basic elements of a democratic system.¹⁶ The Qur'an mentions Shura as a principle governing the public life of the society of the faithful rather than a specifically ordained system of governance. As such, the more any system constitutionally, institutionally, and practically fulfills the principle of Shura - or, for that matter, the democratic principle - the more Islamic that system becomes.

Sulaiman also added that democracy and Shura are “synonymous” in conception and principle, although they may differ in details of application to conform to local custom. The two concepts reject any government lacking the legitimacy of free elections, accountability, and the people's power through the constitutional process, to impeach the ruler for violation of trust. *“The logic of Shura, like the logic of democracy, does not accept hereditary rule for wisdom and competence is never the monopoly of any one individual or family”*.

Likewise, Shura and democracy both reject government by force, for any rule sustained by coercion is illegitimate. Moreover, both forbid privileges - political, social, and economic - claimed on the basis of tribal lineage or social prestige.¹⁷

¹⁴ Sadek J. Sulaiman, Democracy and Shura, <http://www.alhewar.com/SadekDemAndShura.htm>

¹⁵ Sadek J. Sulaiman, Democracy and Shura, <http://www.alhewar.com/SadekDemAndShura.htm>

¹⁶ Sadek J. Sulaiman, Democracy and Shura, <http://www.alhewar.com/SadekDemAndShura.htm>

¹⁷ Sadek J. Sulaiman, Democracy and Shura, <http://www.alhewar.com/SadekDemAndShura.htm>

The Qur'an has made it abundantly clear that practicing shura was an important duty of Muslims and a crucial component of what constitutes a believing person. The believers, the Qur'an proclaims, are those "who conduct their affairs by mutual consultation (shura)" (The Holy Qur'an, 42:38).¹⁸

The Qur'an does not spell out the conceptual or procedural aspects of shura. Indeed it does not even define the term, but it takes it for granted that the word is well understood by its recipients. Political involvement was part and parcel of the practice of the people who received the revealed word. Islam was revealed to an egalitarian society of free spirits. The value it proclaimed not only reaffirmed the egalitarian ethos of the pre-Islamic Arabs, but went all the way to liberate them from the vestiges of parochialism, racism, and ethnocentrism.¹⁹

1.12 A' Shura in Islam

Societies since time immemorial have been familiar with the concept of democratic institutions. The clan emerged as a primitive mode of a social organization subjected to the law of development. Tribes formed what might be called the clan's assembly, which represented a mode of authority. This assembly was considered a democratic body elected by the members of the clan. This body was responsible for selecting and disposing of leaders of the tribes; in short, it had the authority to decide on important issues as the highest authority in the clan.

As a result of social changes, various types of unions between clans gave rise to new tribes, a new social organization that ushered in the first attempts towards an extended way of power management. At the top of the tribal hierarchy an assembly is formed of leaders of united clans. This assembly looks into public issues concerning every individual in the tribe. This type of social organization was, in principle, congruous with the mode of production prevailing at that early time. The leaders of the tribe had no privileges over ordinary people nor were key positions inherited.

¹⁸ Holy Qur'an

¹⁹ Sadek J. Sulaiman, Democracy and Shura, <http://www.alhewar.com/SadekDemAndShura.htm>

The participation of people in the talks of the tribe's assembly and in the assembly of united tribes developed the political system into a real democratic experience which flourished before it came to a halt following the emergence of dominating social classes. This stage is marked by the supremacy of a privileged class in all areas of social, economic and political activities turning democratic institutions into private bodies to satisfy the whims and desires of prevailing social classes.

Before the advent of Islam, Arabs had experienced some kind of democratic management of power. For each tribe there had been an assembly composed of economically and spiritually influential leaders. Before the beginning of Islam, the Makkans had had an assembly or a Council of note called Dar A' Nadawh literally, the house of consultation where important issues are publicly discussed.

In 661 AC the Prophet Mohammad (puh) started calling Arabs to Islam. He would during the next thirteen years, draw many Makkans from different classes of society to the new religion. Later, he asked them to escape torture and migrate to Madinah. As soon as he settled in Madinah, he convinced the dwellers of Madinah, who accepted Islam, to treat the migrants as their brothers in the literal meaning of brotherhood. Then he ordered them to build the first Mosque in the history of Islam, which had been considered not only a place for worship but also a place of debate and consultation.

He then laid down the first constitution in the history of Islam. It included duties and rights, confirmed equality among the citizens of Madinah. Also, the constitution provided for the way that relations with the people of the Book (Christians and Jews) should be. Freedom of speech was not restricted to Muslims; it comprised all the city dwellers including Jews and pagans. The prophet showed respect to his opponents, he listened to them, discussed with them in the best way. This tolerant attitude had a tremendous impact on the spread of Islam and the attraction of opponents to it. Thus security and prosperity prevailed in Madinah (Al-Ansari, 1981).²⁰

²⁰ Dr. Abdul Hamed Al-Ansari, A' Shura wa- Athorha fi A' Democracy Dar` Alsalfia, 1981 p. 11

Assemblies established by the Prophet comprised many heavy weight personalities in Islam coming from poor and humble families. No discrimination was allowed between the free and the slave on any criterion other than competence, effectiveness and the effort invested for the well being of the nascent community. These sublime meanings are beautifully presented in the Verse, which reads: *"O mankind, we created you from a single pair of a male and a female and made you into nations and tribes, that you may know each other. Verily the most honored of you in the sight of God is he who is the most righteous of you and God has full knowledge and is well acquainted with all things"* (Qu'ran verses 49-13).

The Sirah or the practice of the prophet was the best embodiment of Islamic ideals with regard to equality and freedom. He ones said: *"there should be no discrimination between Arabs and non-Arabs for any reason except for God fearing"*. That is why Muslims had been practicing democracy almost everywhere in institutions, Mosques and in private meetings with the Prophet, the practice that was followed by the four right-guided Successors of the Prophet.

The Prophet based the practice of consultation on God's orders, a verse in the Qur'an speaks of true believers saying: *"those who hearken to their Lord and establish regular prayer, who conduct their affairs by mutual consultation, who spend out of what we bestow on them for sustenance"* (Qu'ran verse 38).

Another verse in Surat Al-Imran says: *"It is part of the mercy of God that thou dost deal gently with them"* (Qu'ran verse 159). These two verses show the extent to which God stresses the importance of consultation in the Islamic society (Al-Shaewi, 1992).²¹

The first verse was revealed in Makkah in the beginnings of the call for Islam while the second was later sent down in the subsequent period of Madinah. This, being the case, alludes to the comprehensiveness of Shura in Islam. Verses revealed in Makkah usually addresses individuals, while those Madanian verses speak to the society as a whole. Thus

²¹ Tofiq .M. Al-Shaewi, Fiqah A'Shura wa al-Istisharah, Dar Alwafa, 1992 p. 49

Islam insists on the importance of the Shura even when Muslims are a minority. The significance of consultation in an Islamic state is an unquestionable fact.

According to Islamic teachings, the above-mentioned verses give expression to the fact that relationships in Muslim society are based on solidarity, freedom, equality and mutual understanding. These individual qualities are useful for any strong social fabric seeking to build a democratic system. The leader of the Islamic state, despite the fact of being a Prophet in the case of Mohammad, is obliged to consult with his subjects and open the doors for a large participation of the people in the process of decision making.

Consequently, Shura is an essential characteristic of the Islamic society. Muslim rulers adopted consultancy as an act of obedience to God who made it compulsory on them to discuss issues with their subjects. In Islam, decisions are implemented in line with the opinion of majority. They are binding not only on issues related to the state but also to all issues pertaining to society as a whole.

After the demise of the prophet, principles of justice and equality remained in action. Thus the successor to the prophet was elected in an unprecedented realization of universal democratic values. In Bani Sadah meeting, the first meeting ever without the leadership of the prophet, on the day after the demise of the Prophet, the supporters of the prophet Al-Ansar and the migrants Al-Muhajirun, in the mosque, pledged allegiance to Abu Baker and publicly acknowledged him as the new leader of Muslims.

It is a well-known fact that the prophet did not appoint a successor. He left this matter open for people to choose their leader based on the principals of the nascent Islamic democracy. This has given rise to the Islamic system of governance, which is based on the concept of Bai'ah (allegiance). The Bani Sa'adah decisive meeting to select the prophet's successor was the practice of Islamic principals of consultancy. The meeting represented a legislative body and came up with decisions pertaining to legislation and politics (Al-Shaewi, 1992).²²

²². Tofiq .M. Al-Shaewi, *Fiqah A'Shura wa al -Istisharah*, Dar Alwafa, 1992 p.79

The first constitutional principle to emerge during Assaquifah discussions is that freedom of speech and opinion is a prerequisite to any democratic practice. People have equal rights in taking part in shaping their system including the most important action of selecting the leader. Another important principal is that when there is no consensus, the majority has the right to decide.

The main outcome of Assaquifah meeting was the selection of Abu Bakr to be the Prophet's successor, after long and fiery discussions. He perfectly followed the Prophet's model with regard to consultation. His words are still echoed in many occasions as a symbol of modesty and democratic spirit. He said right after his election: *" I have been elected though I'm not the best of you. Thus, if I do right, you should back me but if I do wrong you have to bring me to the right path"* A Bedouin replied to the leader's words by saying loudly: *" by the name of God, if We see any crookedness in the way you govern, We will definitely use our swords to bring you to the right path."* What a wonderful democratic model - is there anything better than this? Do we have these days, in so-called democratic countries, throughout the world, a leader who dares to say what Abu Bakr said and to allow his citizens to answer him back in the way the Bedouin replied?

Do we have these days a leader who openly accepts opinions other than words of praise and compliments? Where in our Arab and Muslim world is the leader who accepts to be even peacefully questioned let alone to accept to be straightened by the way of swords? After the demise of the first Caliph, Omar bin Al-Khattab was chosen to be the leader of the Ummah. He based his philosophy of governance on the same ideals as His predecessors. Shura was practiced with a sense of wisdom and intelligence. He used to consult with the great companions of the Prophet as well as with ordinary Muslims. Of his famous words are: *"a decision without consultancy is void of benefit."*

During his period, Omar even went as far as to accept that conditions for leadership be laid down by the people. Thus, knowledge, justice, and competence became the three necessary conditions based on which leaders were elected. It has become a right of the people to remove from office any leader they deem unfit for the position. One of the instances of this

democratic spirit in Omar's period is when he called his governor of Egypt Amr bin Al-As and his son for the latter had tortured a Christian. Omar asked the Christian to use a lash and hit back the son of the governor telling him "*take this and hit the son of the honorable family*" but the Christian chose to forgive. Omar uttered his unforgettable words telling the governor "*why do you enslave people while they are born free?*" He indeed was an Islamic symbol of justice and respect for human rights at a time when other countries were sinking in dark ages where hatred, atrocity and neglect of basic human rights prevailed. Hence Muslims have known democracy and practiced its principles since the dawn of Islam.

Unfortunately this idealistic way of practicing democracy did not remain for long. Immediately after this era of the right-guided Caliphs, the Islamic system took a new dramatic twist. It was turned into a hereditary system where power was transmitted through a family based on inheritance. But Omar bin Abd Al-Aziz' was an exception (Al-Ansari, 1981)²³ in his dedication to restore the Shura system and his determination to bring back the democratic system to the extent that he was called the 5th right-guided Caliph in the Islamic history despite the length of time between his era and that of the original four right-guided caliphs. But his assassination put an end to the Muslims' longing for democracy.

The main result of depriving the Ummah from participating in the management of political affairs was the collapse of various regimes, which became unable to defend their own territories and to provide their people with security and stability. However, the social fabric remained sound as Muslims held fast to unity and solidarity a decisive factor that kept the Muslim society safe from disintegration despite the tremendous problems experienced throughout its history (Al-Ansari, 1981).²⁴ It is unanimously held amongst experts in Islamic political theory that Shura, justice and equality have been the essential principles in the Islamic political system and the cornerstone based on which the system rests.

The A' Shura (consultation) system is one of the most important pillars of the Islamic political structure. The Holy Qur'an stipulates that the Shura system should be applied in

²³ Abdul Hamed Al-Ansari, A' Shura wa- Athrha fi A' Democracy Dar` Alsalfia ,1981 p. 14

²⁴ Abdul Hamed Al-Ansari, A' Shura wa- Athrha fi A' Democracy, Dar` Alsalfia ,1981 p. 16

Muslim political life. Thus, although methods of application are left open to Muslims according to their situations and conditions, it is an obligation for all Muslims (individual and ruler) to apply the principles of the Shura.

The Shura is an extremely significant principle in the Islamic political theory and the Islamic constitutional system. It is deeply rooted in Muslim political thought and practice harking back to the early days of Islam. The Qur'an gives one of its chapters the name of Al-Shura or "Consultation". It is based on the Qur'anic reference "*Wa-Amrhum Shura Benahum*" those who conduct their affairs of governance by mutual consultation. The Qur'an uses the word al-Shura to refer to mutual consultation between prominent believers on issues of public concern. Reference is also made to the verse, 'and consult with them in affairs' "*wa-shaworhum fi Al-am*".

However, the Qur'an itself offers no specific idea concerning the mechanism to be used for consultation but the Shura System reflects an ideal of full interchange between the ruler and the ruled. It would be needless to say that Shura is not only an ethical system, but it is also a concrete way of governance. Muslims have availed themselves of this in order to benefit from the institutions of other civilizations in an attempt to materialize the Qur'anic ideals through any suitable and appropriate political system.

Oman is no exception in its long adherence to Islamic principles. Shura was practiced not only in its ethical aspect but also as a specific and unique political system epitomized by many types of A' Shura and democracy. Since embracing Islam during the lifetime of the prophet Mohamed, Omani society has experimented with different forms of the idea of the A' Shura. Several types of consultation have been practiced within the Omani society according to tribal tradition. Among these ideas is that of the Majlis, an informal public session during which ordinary people can have personal access to the ruler, present a petition, and have the opportunity for immediate remediation of a complaint. This concept becomes the ideal of 'open actions' to leadership, and the right of the people to bring forth ideas and questions.

In Oman, another aspect of the consultation ideal is found in Oman tribal tradition. It requires that the paramount chief of the tribal confederation is also bound to consult the Sheikhs of all tribes of the confederation on their affairs. And also each Sheikh of each tribe must consult his tribe's notables, dignitaries and seniors members about their common cases and matters. Without consultation, no allegiance is owed to the sheikh who does not sit in Majlis with notables and senior members of the tribe to discuss and exchange views on all matters of public concern.

Since the chief is solely responsible of the security and welfare of the tribe, he is bound to listen to all conflicting views and opinion. But the final decision is always left up to him, presumably on the grounds that his choice among options is guided by wisdom and experience. But if he is often faulted and makes poor judgments, he is likely to be replaced by another enjoying higher prestige and a reputation for good judgment.

This tradition codifies the concept that there should be a regular, institutionalizing structure for the ruler to listen to the representative of the leading groups in the community. It also lays the foundation for rulers being criticized or even replaced by the will of this group of notables. The rapport between the chief and the tribe created through the instrumentality of the Majlis of the tribe has found its expression in various ways.

1.13 Political rational in Oman and beyond

1.13.1 Practising democracy in Oman traditionally and in modern times

Oman has long had its own unofficial democratic and consultation system. This kind of democracy and consultation system was derived from the consultative principles rooted in Omani society. During different periods of time, Omanis have experienced a variety of democratic models congruous to their context and traditions. They have practiced some unofficial and un-institutionalized forms of democracy under different traditional names such as A' Sablah, Al-Barzah and Al-Masjid.

A' Sablah is a place where the people of the village, town, province, or tribal clan meet to discuss all the issues affecting their daily lives. In this council (A' Sablah), there is no distinction between old or young, great or small, except within the bounds of mutual respect. Everyone addresses each other without using titles and any differences that might exist disappear during the discussions. A' Sablah also for instance is a center where people of the tribe or neighbors gather to discuss different important affairs. It is a kind of open meeting for free expression of one's opinion. Over time, A' Sablah developed in many ways in accordance with the whole development of the Omani society on social, political and economic levels.

Al Barzah is a traditional monthly meeting involving the Wali, the Qadi (judge) and the residents of his wilayat. The council of scholars was a unique form of democratic practice brought into existence by the Omani society. These traditional institutions still work nowadays even through modern and creative ways such as the Internet where forums under the name of A' Sablah operate for the sake of exchanging ideas despite many obstacles including censorship. Though these forums have, at times, annoyed the government it knew how to avail itself of them to explain its own views to a class of critical public and to ease political tensions.

The Imamah System believes that to govern Muslims lies only in a pious Muslim who is elected by the people. The Imam as politically a leader of the Nation, must possess the qualities of justice, piety, and intelligence, as well be an able administrator amongst other good characteristics. If an Imam does not live up to this description, he can with good

reason be removed from his position. If no one is found to have the appropriate qualifications to replace him, the position may remain vacant.

The electoral process of the Imamah tradition consisted of two main steps. In the first step the electoral and the notables in the country would meet and nominate a suitable person. In the second step they present the nominee to the people who are assembled together in a meeting. The people then have the right to approve or reject the nomination. According to this system, the people also have the right to depose the Imam if he is proved unworthy of his office and unjust.

The bond of obligation between the ruler and the ruled is presents by the Bay'a (allegiance). Under the flag of Islam, the Immamah has had throughout history a religious and political power - elected from scholars and leaders of tribes, with the consent of the people – and a pivotal role in fostering patriotism among many Omani tribes, minimizing tribal clashes and orienting tribes to fight against foreign colonizers as their common enemy with a spirit of unity in interests and heritage.

In modern history, Oman has witnessed a unique democratic experience. Popular Councils was publicly elected in Dhofar region mainly under the control of the revolution with the exception of a few main cities. These councils, despite political, economic and social circumstances of war, faced with tremendous difficulties at all levels, are very important from a political and historcal point of view. Notably, these councils particularly, were the first real councils genuinely elected in all regions by the people even from far away tribal and sectarian affiliations.

These are a few remarks about reform in Oman, which serve as a reminder of important points in the history of this country. These traditional and modern institutions derive their importance and significance from the nature and circumstances of subsequent periods of history. These institutions are also evidences, which indicate the extent to which democracy is rooted in Oman history. Thus, once given the chance, the people of Oman are politically able and ready to practice the best models of democracy. Since the last half of the twentieth

century, especially in recent decades, the world has witnessed tremendous transformations and significant changes.

New situations, both locally and globally, have emerged as a result of such transformations and resulted in a new reality with regards to democracy and public liberties which came to the fore and became at the centre of concern internationally after the failure of totalitarian and despotic regimes. Thus, equality and freedom in all its forms and types such as freedom of speech and movement in addition to human rights in a prosperous and just world are all the basics of a democratic system. The people's political participation in decision-making is another criterion on which democracy is based. This allows people to be the source of legislation leading to power decentralization, accountability and transparency. However, democracy is never achieved except in a social setting where people are financially independent and enjoy their basic rights in employment and speech. Thus a transformation towards democracy requires reconciliation between the state and the people. The two parties should not be alienated one from the other and conflict between the two must come to an end.

The discovery of oil brought about tremendous changes in the Gulf region and was reflected in rapid developments on all levels – economically, politically and socially. However Oman was the only country in the region, which had no part in these changes and remained isolated. Systematic efforts to keep the Omanis unaware of this situation were at work. To maintain the status quo the people of Oman had to remain illiterate and unaware of what was happening around them.

Fortunately, political, economic and social transformation was not far away from the Omani people who were aware and recognized the importance of such transformations and their far-reaching results on the society, as well as the regional and international changes. Thus, many movements opposing the British occupation and other foreign forces emerged, mainly by Omanis who migrated to neighboring countries for work and education during the 1950s and 60s and formed a number of political organizations and movements.

As the purpose of each of these organizations were almost the same, most of them were able to unite easily under one movement known as the Dhofar liberation front, which came into existence on the 9th of June 1965 in Dhofar (Oman). The liberation front spread through all the Gulf countries to unite the resistance and nationalist movements against foreign domination and to achieve common goals in the region.

The goals of the revolution were many, encompassing almost all domains of political, economic and social life. However, the main purpose was the liberation from colonization and the struggle against illiteracy, backwardness and repression. To illustrate the situation in Oman at that time, there were only three primary schools in the country to teach a few government officers the basics of writing and reading. The divide between Oman and the outside world was huge. The perceived inhuman conditions of the people of Oman served to pour oil on the fire and resulted in an increasing support for the revolution to the extent that people became the revolution and the revolution became the people.

Consequently there were a number of very important historical effects resulting from the revolution of 1965 in Dhofar and the regional national movement. These included:

1. The adoption of a policy of unity for the Gulf region. The influence of the revolution pushed the borders to include the Gulf region and was adopted in 1968 uniting the historical hopes of the Gulf through the strategy of liberating the Arabian Gulf from British colonization and any other foreign domination. This was the first very significant political, historical and strategic resolution embodied in the historical and political unity of the region.
2. The coming of the new Sultan. The Sultan's accession to the throne (in 1970) was one of the main events that attracted the attention of Omani people along with the discovery of oil. Ever since, rapid transformations have taken place and the new authority has adopted many of the revolutions' aims and strategies. The Sultan showed determination in developing the country, fighting ignorance, developing the infrastructure - as he had promised on several occasions - and built educational institutions and hospitals. The new government worked hard to increase and improve services in order to gain support of the people against the revolution.

Foreign troops were invited by the government to take part in the war against the revolution. Cities were under siege and all communication and food to rural areas was cut.

3. The announcement of British troops' withdrawal. Another significant event was the announcement of the British labor party government in 1971 to withdraw its troops from the Gulf region.
4. The awareness of the sense of belonging to the nation. One of the advantages of the revolution, which was considered of paramount importance, is the citizen's awareness of the importance of belonging to a nation - contrary to the old days before the revolution- where public welfare was given precedence over self, tribal or racially centered interests.
5. The end of slavery and discrimination. The revolution demolished slavery and implemented justice on the basis of total equality between citizens leaving behind primitive, tribal, racial and regional sensitivities. What is more important, the revolution put an end to tribal, racial and regional clashes.

These transformations and other consecutive events resulted in other important changes for the struggle particularly in the Gulf region, and later led to the development of political organizations and political personalities, which under the peoples front for the liberation of Oman and the Arabian Gulf decided to work independently and to adopt a strategy that suited their own contexts and status quo.

In the context of national struggle, it is necessary to reflect on the significant role of women, who are described in Arabic words that mean "the women are fellows of men". Throughout history, woman has always been the other half of man to sustain human existence on earth. She is the soul mate, the mother and the sister. She has always been working besides man in all fields of activity. At times woman is even more patient and more reliable than man. Arabic and Islamic history is abundant with role models of women

who played significant roles in a variety of activities; she even fought and suffered for the sake of Islam and for her people's liberation.

In Oman the women worked with men in almost all social and economic domains. In general, the Omani women share in the daily production besides doing house work and taking care of children. In the agricultural, fishing sectors and the herding society the women also share in the production and in all parts of public life. In addition to the aforementioned, the more important role of women - across the history - is the contribution to the liberation of her country from the invaders and colonizers.

In contemporary history, women's heritage of resistance is deeply rooted. Women have continually participated in many types of resistance action in to the different contexts and regions of the country. In Dhofar, the woman contributed significantly in vigorous wars, which took place. There she supplied warriors with weapons in the heat of battle despite the risks and dangers, healed injuries; and at times even ran the risk of hiding strugglers from the sight of the enemy, More than that, she participated in wars and fought against colonizers with a rare courage and determination.

Many women were killed, among them was Tafool Muti'. She is considered the first woman martyr of the revolution to the extent that she was called the Martyr of the Gulf. Tafool Muti' stood as a symbol of the unity of the Gulf people in their struggle against foreign powers and for unity. Nowadays, women are active in all domains of public life. The woman was even promoted to some of the highest positions in the region, that of minister and member of both the Majlis A' Shura and the Council of State amongst others. Though this is only a small part of women's important role in our country's history, it is a positive sign to find women sharing responsibilities with men in public life. Thus they should invest more effort into getting to the point of building their future and the future of their society and country.

1.14 On the Arab world level

During the last decades of the 20th century, many revolutionary and nationalist movements emerged from the Arab world. Most of them aimed to not only achieve a political and economic independence, as the majority of Arab countries were under either British , French colonization, but also aimed to achieve an equality, unity and democracy.

A few movements and revolutions could indeed drive out foreign occupation at least in its direct and visible form, and assume power in some countries resulting in few attempts of unity amongst some Arab countries such as Egypt and Syria in 1958. At the same time some nationalist movements faced torture and suffered persecution as well as the execution of their leaders. Despotic regimes capitalized on revolutionary slogans to stop nationalist movements and to deceive their own subjects to stay in power. However, the failure of these regimes weakened them and eventually put an end to their legitimacy.

Systematic pressure adopted by despotic regimes, forced the opposition to change its strategies and tactics in order to keep its presence in the political scene. This forced the authorities to change its own strategies for dealing with opposition resulting in many governments recognizing the opposition and allowing for partial reform. For the sake of pacifying the masses and gaining domestic and foreign support.

1.15 On the international level

The Cold War had a strong influence on world conflicts and war. This contributed to the division of the world into two main competing camps and that these series of events accelerated the drive towards gaining strategic weapons to be utilized for domination. Regional and international conflicts have increased and expressed themselves in attempts of changing regimes, political assassinations and espionage. Despotic regimes in the world availed of this international situation to tighten their grip on and increase their domination on power.

The collapse of the Eastern Bloc, originally the Soviet Union, ended international equilibrium. Indeed this collapse contributed to the breakdown in international equilibrium on all political, military, economic fronts and other aspects in this part of the world. The United States of America imposed itself as the new master of the globe. This state of affairs

was conducive not only to the weakening of the United Nations but also to the fact that this international body, to some extent, was manipulated into an instrument to support the United States policies. We contend that ever since the United State and its Allies have been using different slogans to (legitimize) domination over the economic resources in the world through the fight against extremism - as it was- and nowadays through the elimination of terrorism and (spreading democracy), but only in the service of its views and interests.

Political scientists frequently note that democracy cannot be installed from the top down. The push for a political system in which genuine participation is possible must began at the grass-root level. The primacy of the state to which increased and sustained U.S involvement in the Middle East will lead, may actually make it more difficult for the public to exert pressure for reform from within. With the power of the state reinforced for at least the short term, the implementation of measures of political reform will be dependent on the good will of elites rather than public pressure.

Chapter Two

The Administrative Profile of Oman

2.1 Introduction

It is very difficult to establish the historical starting point of the general administration in Oman as a state, because of a lack of written documents on the subject.²⁵ Before the 1970s, the State and its public administration were very limited in their accomplishments and carried out only a few tasks in areas such as security and the collection of taxes (tributes). There was no comprehensive administrative apparatus, and it depended on simple methods in practicing the planning, evaluation and carrying out of its tasks.²⁶ As a result of its limited role and its simple system the general administration employed few people, and its relationship with employees was poor.

Before 1970, there were only two ministries, or more accurately two main departments. These two departments were concerned with internal and foreign affairs. There were also a number of smaller departments concerned with such things as budgets, customs, municipality, endowments (*Owqaf*), inheritance), the police and others at a similar level.

²⁵ Nasser Mohamed Alsaiq Al –Mnazamh Al-A rabia LiLalom Ali dariah Alamah wal- Islaha alidari fi Al-watan Alarabi p.514

²⁶ Nasser Mohamed Alsaiq Al –Mnazamh Al-A rabia LiLalom Ali dariah Alamah wal- Islaha alidari fi Al-watan Alarabi p.515

The Sultanate of Oman is located in the Southeastern corner of the Arabian Peninsula between latitudes 16 40, and 26 20, north and longitudes 51 50, and 59 40, east. It lies on the tropic as a gateway between the Indian Ocean, East Africa and the Arabian Gulf. Its location is one of the most strategically important in the world. Oman is one of the largest countries in the region, and the third largest country in the Arabian Peninsula. The total land area of the Sultanate of Oman is more than 300 (309.500) square kilometers with a long coastline extending for 1,700 kilometers. Oman also overlooks three seas, the Arabian Sea, the Arabian Gulf and the Gulf of Oman. The Sultanate of Oman borders Saudi Arabia and the United Arab Emirates in the west, Yemen in the south, the Strait of Hormuz in the north and the Arabian Sea in the east; it lies in the south-eastern corner of the Arabian Peninsula and the Arab countries. The time zone within Oman is four hours ahead of Greenwich Mean Time and does not vary throughout the year.

Historically, Oman was used as a corridor for trade passing between the Eastern and Western civilizations. It played a significant role in the diffusion of trade and culture during ancient times, and in doing so developed important foreign and commercial relations. Oman has a variety of topographical features consisting of plains, desert, valleys (*wadies*) and mountains. The most important area is the costal plain, which represents 3% of the total land area, the mountain ranges 15%, with the remaining 82%, which includes part of the Al-'Rubo-Al-khali (the empty quarter), being mainly sand and gravel desert. The Sultanate of Oman has been divided into a number of geographical regions and *wilayats* (provinces).

The climate in Oman differs from one area or region to another. Rainfall is generally light and irregular, except during the monsoon season, locally referred to as *Al khareef*, which occurs regularly between June and September every year in Dhofar in the south of the country. This unique climate is ideal for the growing of frankincense trees, for which Dhofar has been famous since ancient times.²⁷

²⁷ Ministry of Information. 20 years the promise and fulfilment Oman 2002-2003 p. 30

Much of Oman's early history is obscure, although the antiquity of human occupation in the region has long been recognized at sites along the coastal areas, in inner Oman, and at Dhofar: "*The earliest known settlements in Oman date from the late fourth or early third millennium BC.*" However, historians have stated that the civilization of Oman dates back at least 5,000 years²⁸ when the country was originally inhabited by fishing communities and hunter-gatherer societies. Archaeological digs continue to uncover and explore sites that shed light on the country's ancient history.

2.2 The Population ²⁹

It is very important for every country to carry out a census of its population in order to make and implement its plans and programmes for the future; it is also important as regards political representation. Data obtained from the historical sources indicated that various forms of population enumeration activities were performed and conducted by some ancient nations. Historically, although historians disagree on the date of the first census taken using a modern scientific basis, they unanimously agree that the idea of conducting the first comprehensive censuses appeared in the 18th century.

2.2.1 The 1993 Census

The Census linguistically means counting, and counting is basically a synonym of census. Census terminologically describes any comprehensive statistical operation covering all particulars available on a specific piece of land for the purpose of knowing its number and other characteristics. If these particulars concern individuals, the process is called general census of population, if they involve housing, then it is called the general census of housing, and if they are establishments, it is called the general census of establishments.

In the Sultanate of Oman the census programme adopted includes the conducting of three censuses simultaneously ³⁰ - the general population census, the general housing census and the general establishments census. The first general census of the population, housing

²⁸ Ministry of information, Oman years of achievements p. 11

²⁹ S. of Oman Ministry of Information, OMAN, (99) p. 94

³⁰ Sultanate of Oman, Ministry of National Economy 2003-Census Administration p 15

and establishments was held in 1993 and gives much important information, which can be referred to by the Government, companies and other concerned authorities when developing their plans for the future.

The size of the population of the Sultanate of Oman, according to the General Census of 1993, was estimated to be more than two million. More specifically, the total population of Oman at the end of 1993,¹ as declared officially by the Government, was 2,018,074, of which 1,483,226 were Omanis (73.5%), and 534,848 were expatriates the majority of whom were concentrated in the area of the capital (Muscat) where they represented 46% of the population. In most other regions and areas of the country the Omani made up 75% or more of the total population. In addition, the census revealed that 52% of the population were aged fifteen years or under, while those over the age of sixty-four represented only around 3% of the population, while the birth rate was estimated to be approximately 3 %. Thus it can be seen that the first General census that comprised the three areas of census for the Omani population, although there are few notes on it, there is no doubt that it established a new statistical landmark in providing important data that contributed to the country's development plans.

There are generally two systematic periods for the population and housing censuses. These held once every five years in some countries, and is called *Quinquennial* census. Once *every ten years* is common in most of the countries of the world, and is referred to as a *Decennial* census. In the streamlining of the methodological inclination, the Sultanate of Oman has selected to apply the decennial manner in conducting its censuses. Accordingly the Sultanate of Oman decided to carry out the second general census in the end of the year 2003.³¹

³¹ Sultanate of Oman, Ministry of National Economy 2003-Census Administration p 27

2.3 The 2003 Census ³²

The Royal Decree No. (87 / 2001) for holding the general census of population, housing and establishments deemed that the Census of 2003 be designed to cover the following. All existing living quarters within the borders of the Sultanate of Oman, all existing Omani and expatriate households in the Sultanate of Oman, and all persons – Omanis and expatriates – presented in the land of the Sultanate and on board the ships anchoring in territorial water. All of these categories would be counted at the census moment.

The second general census of the population, housing and establishments in the Sultanate of Oman was held in 2003, after a gap of ten years since the first census 1993. The census of the population is basically conducted to distinguish the population conditions at a given time. These conditions consist of the number of the population, growth rate of the population, geographic distribution and the demographic composition.

The general census of 2003 provided plenty of information about existing housing and its condition and about existing establishments in the Sultanate of Oman in prelude to conducting the commercial and industrial counting or any other survey samples. The data and indicators generated by the census represented a valuable resource that can be put to effective use by various concerned authorities and bodies in the country in a variety of fields, such as, the improvement of living standards, fair distribution of vital services, effective applications of health care and social, developmental programmes.

The Census Administration at the Ministry of the National Economy announced the preliminary results of the 2003 General Census of the Population, Housing and Establishments a few days after the conclusion of the enumeration work of the population and housing. The preliminary results were limited to the total number of houses and householders, as well as the population by gender and nationality (Omani /Expatriates) in each governorate, region and *wilayat*. These results were temporary figures prepared to meet the census deadline. The Census Administration has since presented the final results of the census at the level of total units of enumeration, i.e. housing units, households and

³² Ministry of the National Economy (2003)

individuals. The Ministry of the National Economy presented a set of data and indicators selected from the results of the 2003 general census of the population, housing and establishments. Attached to these indicators it comparable figure from 1993 census results.

³³ See Figure 1.

| | 1993 | 2003 |
|---|-----------|-----------|
| Total Population of the Sultanate | 2.018.074 | 2.340.815 |
| Omani | 1.483.226 | 1.781.558 |
| Expatriates | 534.848 | 559.257 |
| Percentage Distribution of Population by Nationality | | |
| Oman | 73.5% | 76.1% |
| Expatriates | 26.5% | 23.8% |

Final Results of the Ministry of the National Economy data and indicators selected from the results of the 2003 general census of the Population, Housing and Establishments

2.4 The Political & Administrative System

2.4.1 Political system

In 1996, the Sultan of Oman issued Royal Decree No. 101/86, which promulgated the Basic Statute of the State. The aim of this legislation was to adopt some of the structural changes made by other Arab Gulf monarchies, allowing for some political participation on the part of the citizens and to take into account several of the changes and transitions happening across the world.

The Basic Statute is considered as important (change) to the political system of the Sultanate of Oman. Oman has had no written constitution. Thus the Basic Statute of the State (Al Nizam Al A Sasi lilDawla) became not unsimilar to a constitution-like

³³ S. of Oman ministry of national economy . selected data and indicators from (1993 & 2003) census. Page 2

document. The Basic Statute reensured (officially) the existing *monarchy* and *hereditary* system,³⁴ and dealt with procedures for the succession to the throne. In addition, it provided for the formation of a State Council, which formed with the Majlis A' Shura (a new council), the Majels of Oman. The Statute consists of seven chapters and eighty- one articles. Article 5 states that the system of government is royal and hereditary, while Article 8 stipulates that the Ruling Family Council will choose a successor within three days of the throne falling vacant. If the Ruling Family Council cannot agree on the choice of successor, the defence council shall confirm the appointment of the person designated by the Sultan in his letter to the Ruling Family Council.

The Sultanate of Oman had very limited foreign relations with other Arab countries, and apart from a few Western countries, it was isolated from the rest of the world for a long time. Since the beginning of the 1970s, however, the Sultanate has gradually established links with several other countries, and established contact and involvement with other important global and international organizations. The Sultanate of Oman has joined several Arabic, Islamic, regional and international establishments and organizations such as the Arab League (29th of September 1971), the United Nations (7th of October 1971), the Islamic Conference Organisation (1972) and the Non-Aligned Group (1973). The Sultanate has also joined some of the specialised international organisations. However it is important to note that although the Sultanate of Oman's declared foreign policy is one of non-alignment, it has in fact, generally fallen within the orbit or axis of the United States of America and its alliances, as is the case with most of the Arab countries.

2.4.2The administrative system

In the early 1970s, there were no laws or regulatory systems to define how Omani institutions functioned. The codification of government began in the mid-1970s. In July 1975 Royal Decree No. 26/75 (and its amendments) have introduced laws to regulate the administration by setting out the powers and responsibilities of the Council of Ministers

³⁴ The Basic Statute of the State article 5

and other government bodies.³⁵ The organising administrative apparatus of the state law is counted as the most important of the organising legislative instruments in the Sultanate of Oman, not only because it initiated the establishment of the administrative apparatus of the Sultanate and its functions and tasks, but also because it formed the basis for the royals decrees which were issued throughout the 20 year period leading to the promulgation of the Basic Statute of the State in 1996.

In response to many internal and external changes and the necessities of the time, the new Government issued several laws and regulations to meet other requirements such that a number of ministries and administrative units, establishments and specialised councils have been established to perform governmental activities. These changes required an increase in the number of people employed in the government sector.

According to the first article of the Basic Statute of the State, the administrative apparatus of the State consists of the Council of Ministers, the ministries and their administrative and technical apparatus, the specialist councils and their administrative and technical apparatus, as well as any other executive units taking their power from the State. Accordingly, the administrative apparatus is the executive authority of the State, and the Council of Ministers is its main agency. It should be noted that, the Sultan by virtue of his position and rule, is the one who heads the political system and the administration and its powers.

2.5 Supervisory levels

According to the Law of the Administrative Apparatus (1975), there are five supervisory levels regarding the system of the administrative apparatus in the Sultanate of Oman: Ministers, under-secretaries of the ministries, general managers, managers, and heads of the sections. The administrative system of the Sultanate of Oman is a whole and complete system and there is no separation of the authorities, either legislative, judicial or executive.

³⁵ Ministry of information, Oman 2002-2003, 2003 p.34

By law the Sultan is the Head of State and the highest and final authority as well as being the Supreme Commander of the armed forces.³⁶

The Sultan is the supreme political authority in the State and according to law is the only one who has the right to organize and define the form of the administrative apparatus. In addition, the Sultan presides over the Cabinet of Ministers either himself or through an appointee; he (or his appointee) also presides over the specialized councils. In addition, he appoints Deputy Prime Ministers, Ministers, Under-secretaries and others of similar rank as well as senior judges, and only he can relieve them of their positions. Furthermore, he has sole responsibility for declaring states of emergency, general mobilization and wars, and for concluding peace in accordance with the provisions of the law, promulgating laws, ratifying treaties, and international agreements. He also promulgates the General Budget of the State and grants pardons and reduces the severity of sentences, as well as performing other functions.

The administrative system of the State under the Sultan consists of the *Diwan* of the Royal Court, the Ministry of Palace Office Affairs, the Cabinet of Ministers and the Secretariat of the Cabinet and specialised Councils. It is crucial, therefore, to understand that all the rulings are issued and carried out in the name of the Sultan.

2.6 The Cabinet of Ministers

The Cabinet of Ministers consists of approximately thirty members and is the highest executive authority and is under the chairmanship of the Sultan and derives its power from him. The Sultan as the Head of State takes on the role of Prime Minister, and heads the foreign affairs, defence and finance ministries. The Sultan makes all important decisions and issues; and all the laws and decrees of the country are issued and authorized by the Sultan. Before international treaties, agreements or charters can become law they must be

³⁶ S. of Oman Ministry of Information, Oman 2000, 2000 p.26

approved and signed by him; they then become applicable from the date of their publication in the Official Gazette or any other date specified by the Sultan.

The role of the Cabinet of Ministers is to assist the Sultan in drawing up and implementing the general policy of the State.³⁷ According to Article 44 of the Basic Statute of the State the Cabinet of Ministers is the body entrusted with the implementation of the general policy of the State. The Cabinet submits recommendations to the Sultan on economic, social and administrative matters that are of concern to the Government. The Government's responsibilities also include the proposal of draft laws and decrees, discussing development plans which have been prepared by the competent authorities, submitting them to the Sultan for approval, discussing the proposals of ministries regarding the carrying out of their functions within their specific areas of competence and adopting appropriate recommendations and decisions regarding these matters, and any other responsibilities assigned to it by the Sultan or in accordance with the provisions of the law.

The Cabinet of Ministers has a Secretariat General to assist it in carrying out its duties and functions, who is responsible for the smooth functioning of the government machinery and ensuring that the Cabinet decisions are implemented within the given time-frame and budget.

The majority of Ministers in the Sultanate of Oman own or are partners in large companies in Oman, and many are agents for large international companies. As well as occupying their position in the Government, Ministers are frequently also businessmen and have been able to become rich in a very short time (as there was no control over their finances). For this reason, the Basic Statute of the State now stipulates, in Article 53, that Ministers may not combine their ministerial posts with the chairmanship or membership of any public joint stock company.

¹² S. of Oman Ministry of Information (Oman, 2000) p.28

2.7 The specialised councils

A number of Specialized Councils were established by Article 56 of the Basic Statute of the State, which stipulates that: *“Specialized councils shall be established and their powers shall be defined, and their members shall be appointed by royal decree”*. All the specialized councils are under the chairmanship of the Sultan and are comprised of members of the Cabinet of Ministers and other officials. Several of the Ministers hold positions on these specialized bodies, each with his own specific field of competence and functions. Some of the Specialized Councils are listed below.

The Civil Service Council

The function of the Civil Service Council is to draw up the general policy of the Civil Service and to consider decisions, laws and other measures aimed at boosting Omanization and improving the efficiency of the State’s administrative apparatus.

The Council for Conferences

This council is responsible for preparing, following up and liaising with ministries on international conferences at which Oman is represented, particularly conferences involving the Arabian Gulf Co-operation Council of States.

The Higher Education Council

The Higher Education Council was established under Royal Decree No. 65/98 on 26th September 1998 and is responsible for drawing up general higher education and scientific and academic research policies in the university and higher institutions, it is also responsible for regulating student admissions.

The Supreme Council for Town Planning

This council, which was established in 1985, draws up general town planning policies in the light of the development plans of the country. It is this committee that is responsible for following up the implementation and development of approved planning programmes.

The State Financial Audit

The State Financial Audit was established in November 1999 under Royal Decree No.95/99; it is a financially and administratively independent entity and replaces the Secretariat -General of the State Financial Audit.

The Economic Co-ordination Council

The Economic Co-ordination Council is a governmental council which was established under Royal Decree No. 94/99, issued on 22nd November 1999. This council is responsible for studying all economic issues, including any obstacles to economic development, and proposing ways of stimulating the national economy and overcoming problems faced by the private sector.

There are several other specialized councils such as the Businessmen's Council, the Oman Charity Organization, the Council of Oman, the Consultative Council, the State Council, the Omanization Follow-up Monitoring Committee, and others.

2.8 The administrative division of (1991)

The Government justifies the system of territorial division as providing a simple way to carry out the administration of Oman's large land area and scattered population areas. Under this system, the country has been divided into sixty wilayats (*provinces*) (fifty nine before 2006) most of them working under the jurisdiction of the Ministry of the Interior. At the head of each *wilayat* is a Governor (*Wali*) with the exception that each of the three governorates (*muhafidats*) of Muscat, Dhofar and Musandam has its own Governor with a number of assistants.

Oman is a large country and the people are scattered across throughout areas of the coast, plains, valleys, mountains and desert. Royal Decree No. 6/91, issued on 3rd February 1991 divided the Sultanate into eight administrative regions, which are sub-divided into fifty-nine *wilayats*, each *wilayat* consisting of a number of administrative centres known as *niyabah*. The *niyabah* are spread across most areas of the country according to the division

of each region, and the head of each *niyabah* is known as the *Nayab* who works under the supervision of the head of his *wilayat*, the *Wali*.

2.8.1 Amendments

On 30th October 1991, the Sultan issued Royal Decree No. 87/91 to amend some of the provisions of Royal Decree No. 6/91 and named three governorates and five regions each of which is further divided into a number of *wilayats* headed by a *Wali*. These amendments regarding the *wilayats* and regions announced that the regions of Muscat, Dhofar and Musandam would henceforth be known as *Muhafidats* (governorates) rather than *wilayats* and would be referred to as *Muhafidah* (Governorate) of Muscat, *Muhafidah* of Dhofar and *Muhafidah* of Musandam.

2.9 Administrative independence and power

According to the aforementioned administrative division, the *Muhafids* (governors) of Muscat and Dhofar are Ministers of State, while the *Muhafid* of Musandam has been granted the same powers as those vested in the Under-secretaries of the ministries. Furthermore, as Ministers of State the *Muhafids* of Muscat and Dhofar do not work under the supervision or administration of the Minister for the Interior, as does the *Muhafid* of Musandam and the other *Walis*. According to Omani laws and the Royal Decrees concerning the organization of the administrative apparatus, the *Wali* and the power he has are not of the same rank or level as that of the *Muhafid* as a Minister of State or Under-secretary or Minister because each of the three *Muhafids* supervise and preside over a number of *walis* in the governorate are headed by him.

The two governorates (Muscat and Dhofar) have administrative independence in the running and administering of general affairs, while the two *Muhafids* have the power to appoint the *Walis* and the staff of the *wilayats*, which belong to their governorates. They also have the authority to issue administrative decisions in their governorates and each of the two Governors may authorize or delegate to the *Walis* the power necessary to fulfil their tasks in framing the general policy of the State.

2.10 The significance of the administrative division

Clearly, each governorate and region in Oman will have its own unique story, both political and economic, concerning the past, the present and the future. It is, therefore, important to give some brief information in about each of the governorates and regions in order to illustrate the significance of each of them and to understand some of the reasons behind the administrative division of 1991.

2.10.1 The Governorates

Although Royal Decree No. 87/91 named the three governorates it does not mention all the reasons for or details regarding the significance of the administrative division. There were actually political, economic, historically, geographical and social reasons behind the naming of the three governorates of Muscat, Dhofar and Musandam.

Muscat

The *Muhafidah* (Governorate) of Muscat is the capital of the Sultanate of Oman and consists of six *wilayats*. It is the centre of the Ministries and other governmental departments, and a main economic and administrative centre as well as being the headquarters of a number of large national and international companies and establishments.

As the capital, Muscat is the city where all the foreign embassies and political, diplomatic, trading and cultural headquarters are located. The city of Muscat was known in ancient times as a trading port and is a leading trading hub and commercial centre serving the Gulf, the Arabian Sea and the Indian Ocean. As an historical landmark the city reflects its role over the ages in its ancient merchant's houses, markets (*souqs*), towers, gateways and forts.

Dhofar

The *Muhafidah* (Governorate) of Dhofar consists of ten *wilayats* (*following a new royal decree N0. 113/ 2006 to promote Niyabah Al-Mazunah to become a wilayat*) and represents approximately one third of Oman area. It is located in the south of the country about 1000 km from the capital, Muscat. It borders Yemen and Saudi Arabia and overlooks the Arabian Sea.

Both the revolution and war added a significant impact on Dhofar. Historically, Dhofar was the heart of the frankincense trade, when the fragrant resin was burned in religious ceremonies and was as highly prized as gold by the ancient civilizations that traded in it some 7, 000 years ago.³⁸ Caravans of camels set out from Oman carrying loads of Dhofari frankincense, crossing mountains and deserts to the trading capitals of Syria and Egypt. Consignments of Omani frankincense were loaded onto ships at Gazza, in Palestine, for shipping cross the Mediterranean to ancient Roma and across Europe.

The main city of Dhofar is Salalah, the capital of the region and the county seat of the governorate. It is also the main centre of the governorate's official departments and the main economic and administrative centre. Salalah is considered as the second most significant city. The frankincense trees still grow on craggy plains, on the lower slopes of the mountains of Dhofar and in the valleys, while the coastal plain of Salalah is planted with bananas, coconut palms, and other local fruits such as papaya, guava etc. In Dhofar there is an international airport and one of the most important international seaports in the world (Salalah Seaport).

Musandam

The *Muhafidah* (Governorate) of Musandam is comprised of four *wilayats*. It is situated on a peninsula located in the northern most part of Oman and occupies a strategic place on the Strait of Hormuz with the United Arab Emirates separating it from the rest of Oman. Not all borders of Oman and the United Arab Emirates are well defined - this may be because of the, geographical, historical, political and special brotherly ties that exist between them.

The main city of Musandam is Khasab, the capital of the Governorate of Musandam, which is its main economic and administrative city, and the centre of the Government's departments. A 1.800 metre high mountain rises steeply above the region's rocky terrain. Musandam marks the entrance to the Strait of Hormuz. The narrow 55-kilometre long

³⁸ S. of Oman, Ministry of Information (Oman, 2000) 2000 p. 12

shipping lane between, Saudi Arabia and Iran, link the Arabian Gulf with the Arabian Sea and the navigable waters through the strait toward Oman.³⁹

2.11 The Regions

Al- Batinah

Al-Batinah region comprises twelve *wilayats*. It is a coastal strip with a long plain traditionally used for fishing and farming. Al-Batinah today is one of the country's most agricultural regions and it is also considered to be one of the most important industrial regions in Oman. In addition, it has a very important seaport, and is one of the country's most densely populated areas. The main city in Al-Batinah, is Suhar, which was the first Omani city to embrace Islam, and is mentioned in folklore as a departure point for Sindbad the sailor.⁴⁰

A' Sharqiah

The name A' Sharqiah translates as 'eastern' because it lies on the eastern side of the country. A' Sharqiah region consists of eleven *wilayats*. It is flanked by the gravel plains and valleys of the isolated eastern desert region, known as Remal Al -Wahiba (Al-wahiba sands), or Eastern sands, which lie to the south. Al-Sharqiah is an important agricultural region. The main city in Al-Sharqiah region is Sur, a coastal city, famous for the manufacturing of ships.

A' Dakhliah

The name A' Dakhliah translates as 'interior' and this is the region's location. Al-Dakhliah region consists of eight *wilayats*. It is an important agricultural area, particularly for its crops of different varieties of dates. It is also famous for a number of important forts and castles. The main city of A' Dakhliah is its capital Nizwa city which is an historical city.

³⁹ S.of Oaman, Ministry of Information Oman, 2002-2003,2003 pa12

⁴⁰S.of Oaman, Ministry of Information (Oman, 2002-2003), 2003 p.12

A' Dahirah

Al-Dahirah region consists of five *wilayats*. The Dahirah is a vast semi-sandy plain. In the west it borders Saudi Arabia and the United Arab Emirates. The main city in Al- Dahirah region is Al- Buraimi city that lies to the northwest of the country.

Al –Wusta

The name Al -Wusta translates as 'the middle'. Al -Wusta region comprises of four *wilayats*. This central region is a gravel desert that runs from the coast to the interior, where most of Oman's oil, gas and mineral reserves are to be found. Conservationists have reintroduced the Arabian Oryx to Jiddat al Harasis (where the oryx originally lived), and their efforts were rewarded in 1994 when UNESCO placed the project on its World Natural and Cultural Heritage List.⁴¹ The main centre of Al Wusta region is the *wilayat* of Hima. It should be noted that Al-Wusta is a new region, created at the time of the administrative division of 1991.

2.12 The Wali's tasks

There is an important relationship between each of these aforementioned divisions and the significance of the administrative division, the tasks and role of the *Wali* (head of *wilayat*), and the process of the Shura Council. The role of the *Wali* is very important in the supervision of the nomination of the members of the Majlis A' Shura, particularly during its initial terms; as is his role, when necessary, of giving advice regarding the nomination of candidates of the Shura Council, who come from his *wilayat* before the final selection by the concerned authorities.

Under the administrative division, each *Wali* has the task of co-ordinating the activities of the Government in the *wilayat* where he works. He co-ordinates the different departments of the concerned authorities of government (*in his wilayat*) in order to serve the public interest and to promote the welfare of the citizens and their concerns

⁴¹ S. of Oman, Oman, 2002-2003, 2003 p.13

In addition, the *Wali* establishes and keeps good public order in his *wilayat* and does what is necessary by co-ordinating the concerned departments in this respect. The *Wali* also assists in co-operation with the involved departments in the carrying out of sentences passed by the judiciary. He supervises the public services, which are provided by specialized departments and follows them up to ensure efficiency. The *Wali* has the right, when necessary in the public interest, to make arrests to prevent disorder. However, he must inform the Deputy of the Governor of any such matter within 24 hours.

The *Wali* also co-operates with the involved departments in controlling the borders of the *wilayat* where they border with neighbouring countries, and informs the Deputy Governor of any new developments; encourages the private sector to play an active role in the *wilayat*, and co-ordinates and co-operates with the concerned authorities regarding any proposed projects to do with his *wilayat*; works with the Directorate General of the *wilayat's* affairs to promote the interests of the *wilayat*; proposes annual training plans to increase the level of qualifications of his employees; delivers periodic reports about the work in his *wilayat*, including any further proposals, to the deputies of the concerned authorities; and does anything else required of him by his director. All applications for passports are scrutinized in the *Wali's* office before being issued by the Omani police.

An important role of the *Walis* is to act as a mediator in disputes between citizens and as a channel of communication between them and the Government. He also supervises and co-ordinates all the *niyabts* (regions) in his *wilayat*. He investigates cases of social hardship, chairs local committees, and works hard and makes great efforts to solve citizens' problems that fall within his remit.

2.13 Askars (the traditional guards)

Each *Wali* needs a number of armed policemen to keep law and order and maintain the establishment of his *wilayat*. In the past, the *Wali* would have had a small band of armed men or guards (*askar*) for this purpose. Rather than the system of *askar*, there is now, in every large town or city, a police station and court of law to keep law and order. However,

in spite of the differences between past and present, some aspects of the traditional guard *askars* still exist in most of the *wilayats* and a number of the ministries.

2.14 Conclusion

It goes without saying that the structure of the administrative system usually reflects the nature of the political system. Furthermore the administrative division is very important, in principle, for planning, political, economic, and social affairs as well as for providing other necessary services. In the Sultanate of Oman, the administrative division of the country has been divided into governorates, then regions, and then *wilayats*. Each consists of several *Niyabat* (administrative centers) and has its own importance in general. However in regards to this study, it is its importance, in connection to the Council of Oman through its two councils (Majlis A' Shura and Majlis A' Dawlah) for the reason that the members of the two Councils, in particular the members of the Majlis A' Shura represent all *wilayats* of the country, that we are most concerned with.

Royal Decree No. 6/91 lays out the justifications and reasons for the administrative division and its importance in making the administration of the country more straightforward, to aid economic movement, to make it easier to deliver public services across the country and to scattered population centres, and to make it easy to nominate the *wilayat* representatives to the Majlis A' Shura.

Discussing the structure of the political and administrative system is extremely significant for this research in order to have some common understanding of the general political, social and economic system and the nature of the political system.

Chapter 3 deals with the Gulf Co-operation Council (GCC) established in 1981 consisting of the Gulf Arab States, Kuwait, Qatar, Bahrain, United Arab Emirates, Saudi Arabia and Oman.

Chapter 3

The Gulf Co-operation Council

3.1 Introduction

Understanding the specific is based on our understanding of the general that is why any attempt to discuss the political, social and economic status and any other institutions in Oman has to be done within a general framework of the same status within in the region. Talking about one country in the Gulf often necessitates talking about other countries especially the GCC countries given the fact that they share so many aspects on almost all levels including politics, history, traditions, family ties and the common destiny. This applies to governments in their effort to maintain the status quo, and to political organizations in their struggle to bring about social political and economic changes. Thus, we prefer to talk for all those countries together at all levels, political, social and economic especially when it is the case that these countries have many things in common except for some insignificant differences, which will be raised in the course of our discussion about the general situation in the region.

3.2 The Implications of Oil discovery

The discovery of oil brought about important changes socially, and economically although most Gulf societies had already been enjoying tremendous developments generally in a number of life fields. However these transformations did not reach the political structure. The British and later the Americans although they had been supporting the ruling families forced them to introduce insignificant reforms. Oil revenues have been used to reward ruling families and traditional mercantile and tribal groups for the sake of maintaining power and widening loyalty. However these transformations created important interactions within the society by different degrees giving expression to new transformations in many fields of social activity. In addition, several important events occurred in the region while other transformations outside the GCC led the governments to seek some ways of cooperation with the blessing of foreign powers. These included:

1. The coming of the new regime in Iran in 1979, which accentuated Gulf regimes' fears of the probable spread of Islamic ideals via a number of active Islamic movements in the Gulf region.
2. The participation of the Shah's Iranian troops in the mid 1970s against the revolution in Oman was considered by other Gulf countries especially Saudi Arabia as a serious threat to the security of the region ⁴² (*Al-Akri p.15*) and that this could have been avoided if had there been a serious Arab Gulf alliance.
3. The out break of the Iraq-Iran war and its far-reaching impact on the region and the world.
4. The global need especially of Western countries to secure oil revenues either in terms of production or transportation.

3.3 The Gulf Wars

These factors, amongst others, pushed to establish the Gulf co-operation council GCC on May 1981 by the Six Arab Gulf countries (Oman, Emirate, Kuwait Qatar, Bahrain, and Saudi) in order to maintain their regimes and assure (security) in the region. The evidence to prove that the reason behind the establishment of the council was related to internal security was manifested in the fact that the Interior Ministers of the GCC were the only bodies to have serious and successful cooperative strategies, while other vital areas left much to be desired.

As far as external security was concerned, there was evidence that the Gulf Countries were shown to be unable to work together and to push away any foreign threats. Thus there was a rapid increase in military spending, which was then turned into an instrument for intimidating the people of the region in order to maintain the status quo, thus leading to a reign of mistrust by the masses of these regimes. This was then followed by the second Gulf war - a war that created the biggest crisis of the region in all of its modern history.

⁴² Abdul -Nabi Al-Akri, *Al-Tanzemat Alysaria Fi Al jazeera Wa Al-Khalij Al-Arabi*, Dar Alkanooz Al-Adabia Birut 2003, p 15

One of the ramifications of this war is that some supported the American occupation while others, even among the opposition, preferred to keep quiet about it leading to a great divide in the Gulf and Arab population surrounding the American presence and its reasons even after the withdrawal of Iraqi forces from Kuwait

The Iraq - Iran war created tensions in the region. Foreign powers rushed in to secure their presence with a massive military presence under the pretext of securing the flow of oil. As a result the region came under American domination. This state of affairs led despotic regimes to hunt down their opponents and to turn a blind eye to reforms necessary to improve the conditions of the people. Authorities viewed any movement towards freedom of speech, human rights and prosperous conditions as a movement against the status quo. Therefore, the American occupation according to ruling families, although needed, led to an acute conflict within the social structure of the Gulf Countries. The main result of this political turmoil in the region led to a public awareness particularly among the intellectual elite that the absence of democracy was one of the important reasons that led to the disaster brought about by the 1st and 2nd Gulf wars.

Some countries responded (comparatively) in positive to the call of reform, and thus freedom of speech is now a fact albeit in varying degrees. It is only from this that the importance of the people's struggle towards democracy comes, in order to modernize and constitutionlize the state and open up the doors for the participation of the people in the management of affairs of their country

The struggle in the GCC for democracy in general, or for that matter in any Gulf country, aims at bringing about a complementary approach vis-à-vis the establishment of official and modern constitutions on one hand and representative institutions elected by the people on the other hand. In addition to that the existence of independent civil society is a requirement in a state in which the law rules and people, the source of power, participate in the decision-making process.

The starting point of political events in the Gulf Arab States dates back to the end of the 19th century and the beginning of the 20th century when current families came to power through a series of internal and external alliances. This new state of affairs was conducive to the transfer of power in the region from the traditional mode of tribal alliances to family based governance. However tribal influences on power distribution are still active. The main factor behind this transformation is the involvement of foreign powers namely Britain which ratified many treaties with these privileged families leading to a massive regression of people's participation in political events. The position of the tribes deteriorated as the families in power tightened their grip on all areas of social and political activities.⁴³

However, these political transformations, of which Gulf countries were the scenes, did not take place without political, public or even tribal opposition seeking participation in the administration of the state. Unfortunately those in power and their masters who protected them and influenced their ways of governance had not welcomed this opposition. Thus, the pursuit for political participation remains out-of-the-way as the regimes consider it a threat to their political systems. Means of intimidation or arousal of interest especially after the discovery of oil were widely used to divert the masses from their genuine struggle for political liberty.

Gulf States to different degrees, suffer generally, from domestic and foreign pressure on the regimes to go in the path of democracy and reforms and lay down modern constitutions and institutions to represent the people. The establishment of political parties, syndicates, and institutions of civil society are among the reforms Gulf States have had to adopt as a result of internal and international pressure.⁴⁴

⁴³ Markaz Drasat Alwahdh Al-Arabia , Alkhalij A-arabi Wa-ademocratia (Nahow Roiah Mustaqbalia Litaziz Almusai Ademocratia p. (55)

⁴⁴ Abdul Rahman Annaimi, Al-Azma A-Dsturia (Bahrain: the constitutional crisis) p:143

3.4 The member states of the GCC

According to its charter the Gulf Cooperation Council of the Gulf Arab States (GCC) is *a "political, economic, social and regional organization."* The GCC consists of the following states: The United Arab Emirates, The Kingdom of Bahrain, The Kingdom of Saudi Arabia, The Sultanate of Oman, The State of Qatar and The State of Kuwait.

3.4.1 Geographical location

The GCC States are located in the Arabian peninsula southwest of Asia between the latitudes of 15 and 35 north of the equator and longitudes of 35 and 60 east of Greenwich, bordered by Iraq and Jordan in the North, Republic of Yemen and the Arabian Sea in the South, Arabian Gulf in the East, and Red Sea in the West.

3.4.2 Population

According to the 1998 census, the total population of the six member States is 28,921,000. Area. The total area of the GCC Countries is estimated to be 2,667,000 square kilometres.

3.4.3 The establishment of the G.C.C.

Military, political, and security issues, the geographical nature of the GCC states and the similarity of their regulations, economic and social conditions and other similar factors helped in the establishment of the GCC. The foreign ministers of the six states met on 4 February 1981 in Riyadh City and issued a communiqué expressing their agreement to establish a cooperation council for these six Gulf States. The first summit meeting was held on 25 May 1981 in Abu Dhabi, United Arab Emirates. Summits of the GCC are held every year, alternately, in one of the member states.

3.5 Resemblance of systems in the GCC States

We might say that the outcomes of political experiences in the Gulf Countries are to a great extent the same, except for Kuwait which enjoys a constitutional life and a special political experience as compared not only, we may claim, to the rest of the Gulf Countries but also to the entire Arab world. Any differences are generally insignificant and of a temporary

nature. A country may be ahead of another in one area and be behind in another between a lane governed by similar situations and *analogous systems* of governance.

The future of democracy in any country is dependant upon the progress of its political experience and the outcome of such experience in the area of political participation, human rights, security and development. There are many indicators based on which we can assess the political situation in each of the Gulf States such as the extent to which a state is successful in the comprehensive process of development and respect for human rights through the active political participation and the extent to which it is stable and institutionalized.

In this regard, we may consider Kuwait compared to other Gulf Countries to be the closest country to practice democracy despite the fact that there are no real guaranties for the continuation of political participation and power alternation. Kuwait has the best constitution and the best experience in public liberties especially freedom of speech on a scale incomparable in Gulf Countries. Democracy is unattainable had there been no active political participation and peaceful power alteration through free and transparent elections.

In fact, Gulf countries have no democratic constitutions. There is no provision on how a constitution should be and what content it should bear. Constitutions of these countries are nothing with some Exception for the 1962 constitution of Kuwait and the 1973 constitution of Bahrain, but (*bestowed constitutions*) *void of any democratic content* and far from being based on a complete recognition of citizenship, on the precept of the people being the source of authority or the principle of separation of powers. These constitutions have not been subjected to any prior discussion or approval by elected bodies

These bestowed constitutions will forever be incapable of reaching the status of democratic constitutions, which protect the rights and give surety to political liberties. The first victim of such unpopular constitutions is the real political participation as there is no separation between the state and the rulers, and separation between that of the state's property and the ruler's property. This state of affairs will definitely take the healthy political process away

form the right track which may bring about social, national harmony and legitimate governments respected by all parties (ruler and ruled)

3.6 Political structure

Political experiences in the Gulf countries have generated similar economic, social, cultural and political structures despite some insignificant differences. Similarity of the political structure of these countries still prevails. It is, generally speaking, a totalitarian structure with absolute power in the hands of rulers and a limited presence of institutions of civil society, which, at times, are not allowed to operate or to be found in some countries.

Kuwait may be regarded in a better position as it is distinguished by a remarkable constitution having positive implications on all parts of the political and judicial areas. The relationships between powers, the structure of civil society and its comparatively independent status are among the strong point of Kuwaiti constitution. This is conducive to a more balanced development of both state and society than in other countries of the Arabian Gulf.

Opposition in these countries is not allowed. It has no legally recognized channels to express its opposing ideas peacefully, except in Kuwait and to a lesser extent in Bahrain during this current period of political openness. Based on the above-mentioned points, the political structure of the GCC may be depicted generally as a totalitarian structure, which gets in the way of any legitimate democratic activities. The regimes of these countries spare no effort using all possible legal and influential means the media, cultural institutions, religious guidance to hold the society back from any development of democratic awareness.

This totalitarian nature of the regimes in the Gulf has proven unable to bear democratic experiences and preserve them. Even in those countries, which are considered comparatively better than others such as Kuwait and Bahrain. In Bahrain, which is considered comparably more democratic, the parliament was dissolved and the constitution was suspended in 1975. Kuwait serves as another example where democracy is reluctantly accepted but with a condition that democracy does not lead to a real shift of power.

3.7 The Development of the G C C

Some studies on development in the GCC hold the view that comprehensive and *continuous development is yet to start* in the region.⁴⁵ They describe development in the region as "development of waste". Gulf countries should know that they wasted golden opportunities for true development and that it is high time to adjust the process of development towards the right track.

The negative results of the total dependence on oil revenues started to show especially when oil revenues declined in the periods of international economic recession leading to the deterioration in living conditions, a huge increase in unemployment and a decrease in per capita real income. This state of affairs pointed to the fact that there was no true economic development. Although many factors have contributed to the failure of Gulf Countries in the initiation of a comprehensive and true development the most impact was brought about by governments turning a blind eye to human development including the development of human resources and how to utilize them and unleash their productive energy; and by oil revenues that should have been spent not only for consumptive purposes but also for productive and strategic fields. This would increase productivity, and allow for a persistent and steady progress in order to improve life condition of people.

However, we should not ignore important changes brought about in the Gulf countries. The standard of living has remarkably climbed. But this has been achieved depending on the flow of oil revenues and the imbalanced distribution of wealth. On the other hand the weakness of the sense of belonging among a large population of Gulf countries has had far reaching impact in the stagnation of the process of social and political change, which goes hand in hand with the mechanism of controlling the masses by means of power and profits. Authority has deprived citizens from assuming their own and national responsibilities when turned their legitimate economic and social rights into *gifts and endowments* for their absolute submission to the authorities and their giving up of their legitimate political and legal rights of citizenship.⁴⁶ On the other hand negative impact of privileged classes and

⁴⁵ Markaz Drasat Alwahdh Al-Arabia , Alkhalij A-arabi Wa-ademocratia (Nahow Roiah Mustaqbalia Litaziz Almusai Ademocratia p. 44

⁴⁶ Alkhalij A-arabi Wa-ademocratia (Nahow Roiah Mustaqbalia Litaziz Almusai Ademocratia p 52.

flatterers whether locals or foreigners have had far reaching results on citizen's participation in economy leading to the absence of an active nationalistic trend able to strive for the people's rights and carry out its nationalistic duties.

3.8 Economic structure

We could say that the economic structure in Gulf countries is based on oil revenues. The public budget is not subjected to any public surveillance or any act of auditing. The accounting department is under the government's control instead of being part the authorities of the legislative body. Shura assemblies and may be council of ministers are familiar with reports on their budgets. Oil revenues are the main characteristic of Gulf economies, so far there is no solid or independent economic structure to rely on had there been any fluctuation in oil markets or to be an alternative to oil revenues if this is required. No significant effort is invested so far to bring about other sources of income and provide jobs of economic utility independent of oil.

3.9 Important indicators

The outcome of the political experiences in the Gulf countries resulting from colonization and foreign domination and its ramifications on cultural, economic and social structures, has curried many obstacles impeding the democratization in the region. However, political awareness of the people and their demand to put to action democratic principles due to the spread of education and the contact with the outside world, have reinforced the people's conviction that they are treated in a manner they do not deserve. They have become involved in comparisons between them and other democratic countries. They usually come to realize that they lack many rights such as the right to speak, the right to form associations and parties and so forth. This state of affairs leads to discontent and the readiness to speak out and criticize the status quo.

However, people's criticism lacks appropriate channels to make it more effective, widely heard and consequently influential in the process of decision making namely in strategic and decisive national issues. Thus the future of democracy is dependant on efforts invested

to develop a consensus towards the type of democracy we strive for in order to pave the way to the smooth transition towards democratic regimes in the region within the frame of national interest of each of the Gulf countries.

Arab Gulf countries witness a growing civil society composed of non-government organizations in addition to the existence of an active intellectual elite contributing to the society on all levels socially, economically and culturally. This elite tends to have ties with international intellectual community. This state of affairs would eventually lead to more freedoms and lead countries of the region to share a common endeavor towards democracy and reform especially if governments respond positively to these interesting transformations. It is, then, incumbent on the part of governments to unleash the freedom of expression and political organizations and allow organizations of civil society to easily establish in order to be active in politics, syndicates and cultural work

One of the inferences worthy of mentioning is that the official discourse is filled abundantly with the term democracy. Elites in power establish Shura councils in countries lacking them and this is a *tacit recognition of the importance of people's participation in politics*, their freedom of expression and their right to decide for their countries. It may also be concluded that those in power are now aware of the necessity to change the regimes into more and more systems accepted by their own people. This obliges them to come up with stable constitutions and elected bodies. Democracy is now officially accepted even if this is done superficially. It is no more a sign of heresy or infidelity in those who seek it and strive to attain it. This development in the official discourse is a necessary result to modern era as people are aware of the benefits of democracy individually and socially.

3.10 Obstacles

There are a variety of obstacles, which get in the way of Gulf countries to attain democracy; among them we cite the following: -The huge amount of interests multinational companies and foreign powers in the region namely in oil industry. These giant groups are given privileges by the local governments of GCC.

Military presence of foreign powers would only perpetuate the status quo as it is in their benefit to get in the way of any real political and social change due to the following reasons. 1-Foreign powers know the danger of democracy on their privileged status as the emergence of a democratic regime may turn out to be against the military presence foreign powers and consequently against the economic domination of foreign companies over the oil industry. There is a view widely held in the west to the effect that: *“oil and democracy never meet.”*⁴⁷ The western monopoly over the oil prefers undemocratic regimes to get huge contracts easily through good relations with influential individuals. Western powers are justified to be fearful of democracy and elected bodies which may, once in power, put limits on the foreign domination and harm interests of western monopoly countries and companies. 2-Negotiations with unpopular rulers are better for foreign powers than with democratic governments as the formers need western assistance to stay in power. That is why western countries are reluctant to support any real democratic change in the Arab world; rather, they are ready to resist any change as long as it is not in their benefit.⁴⁸ - One of the factors, which get in the way of the transition to democracy the growing unbalances of population and production. People do not share the same destiny; insecurity of the future is not the same for them. Thus, their interests are quite different which consequently lead to the difference in their reaction to daily events. They would not defend their interests as one unified body and due to their weak participation in decision making and their marginal economic contribution they become unable to secure their future and decide their own destiny

⁴⁷ Abdul Rahman A-Naimi: *Al-Azma A-Dsturia (Bahrain the constitutional crisis)* p. 144

⁴⁸ Markaz Drasat Alwahdh Al-Arabia , Alkhalij A-arabi Wa-ademocratia (Nahow Roiah Mustaqbalia Litaziz Almusai Ademocratia p. 97

3.11 Important concepts for the future

The focus on the importance of efforts to bring about justice and equality

Deepen the feeling of belonging and bring into effect social integration and patriotism by way of creating suitable political, social, economic and legal conditions that reinforce loyalty to the home and nation and enable citizens to carry out their duties without feeling any sense of discrepancy between their personal ambitions and the interests of the country.

Efforts to bring about comprehensive and steady development with futuristic horizons

This requires subjecting the public wealth and revenues to considerations of national interest and strategic economic policies. The budget needs reforms and rigorous surveillance. There should be an end to wasting money on unproductive sectors, depending on the priority policy, and build the economy on a firm and alternative basis availing of oil revenues to build an economy independent on oil (post oil economy) through assisting new productive non oil sponsored sectors.

Administrative and social reforms

These reforms require reforming administration, rationalizing the process of decision making and opening the gate for a larger participation of the public in the management public affairs. Administration needs to be modernized with less bureaucracy and well-trained staff. The employee should be protected and encouraged to do his/her job without being intimidated by influential authorities or persons. All public officers dealing with financial sector must be rigorously audited, while those who do mischief are punished.

It goes without saying that any administrative and social reform requires a sound and progressive educational system based on the centrality of morals and nationalistic spirit. The judicial reform is another corner stone for any aspired social change. New laws must be devised to combat corruption, unleash freedom of media and deepen the values of productivity and creativity integrity of the public employment, those who are incorrupt should be generously rewarded.

Consensus on democratic constitutions

This requires legitimate forces to establish democratic constitutions in order for the process of democratic transformation to take off with the contribution of diverse ideas and opinions. This would be brought about by way of a political program concerned namely with the public welfare. To attain this, the state must be looked at as an impartial institution.

The appeal to constitutional legitimacy

Again this requires the existence of a democratic constitution, which sets the democratic regime apart from any other regime and reflects the essence of the social contract by way of the establishment of institutions and legal assurance for the participation of the public in politics as parties, syndicates, associations and impartial media.

Democratic constitutions are different in essence from (bestowed) constitutions prevailing in the Arab world wherein the ruler has the final say in amending the constitution for his own benefit and at his will. In the Arab world constitutions are amended or suspended according to rulers jurisdictions and sometimes they do this through referendums of which the results are known a priory.

A democratic constitution is sharply different from a (bestowed) constitution in considering the state as an institution, which looks after its citizens. This is the reason why respecting the democratic constitution is a must for all whether governors or subjects, because the democratic constitution is contract which sets the person of those in power apart from the state, and the public wealth apart from the government, based on the concept of the state being an institution independent of who is in power. Of the principles on which the constitutions of these countries must be constructed we cite the following:

People as a source of authority

This democratic principle does not mean necessarily –at least for Muslims- that the parliament should have an absolute authority in legislation on the contrary its authority is bound by the constitution, which is devised in accordance with the general principles of the Islamic law as the main source of legislation. Supremacy of law means that people are

equal before the law, the separation of powers very important to prevent put all powers i.e. legislative and executive in the hands of one person or institution

Power alternation

Peaceful power alternation based on free, transparent and general elections under independent judicial supervision would minimize corruption and bring about needed reforms. Democracy is essentially a system of governance and a mechanism for management of disagreement and conflict of interests. Democracy is achieved through effective participation of citizens both individually or as groups in order to contribute to the process of decision making according to a binding constitution based on the rule of law. Democracy is not only a written constitution or elections; it is actually a practice and a slow march towards good government. It requires enlightened minds, wide participation in politics and ability to maintain peaceful dialogue among the fractions of society based on the awareness of common grounds and national aims and on distancing the nation from tribal, sectarian or racial sensitivities.

The establishment of institutions of civil society

One of the most effective means leading to effective political participation, the establishment of civil society which, with the assistance of its parties and organizations, helps in forming an enlightened public opinion able to, positively, speak for the masses and represent their interests. This requires (1). The establishment of institutions of civil society on a national basis that is they should not be a continuation of inherited fractions like tribe, region or sect. And (2) The institutions of civil society must practice democracy and improve the means of political participation within its own organizations. The failure of Arabic regimes claiming to be democratic to materialize the objectives of democracy on the political and social levels is the reason behind the collapse of these regimes as there is a huge gap between slogans and the actual practice. ⁴⁹

⁴⁹ Markaz Drasat Alwahdh Al-Arabia , Alkhalij A-arabi Wa-ademocratia (Nahow Roiah Mustaqbalia Litaziz Almusai Ademocratia p. 22

3.12 The GCC Countries

3.12.1 Kuwait

After the death of Jaber Al Ahmad Al Sabah the former Emir of Kuwait, in January 2006 there was an important violent succession within the ruling Al Sabah family. The Kuwaiti parliament played a significant role in ending the political crisis by invoking a 1964 succession law and voting unanimously to remove Crown Prince Saad Al Abdullah Al Sabah for health reasons. The parliament confirmed Prime Minister Sabah Al Ahmed Al Sabah, the country's de facto ruler for the past five years, as the new Emir on January 29. The new Emir named his brother (former interior minister and deputy prime minister) crown prince and appointed another from the Jaber clan as prime minister. Reformists welcomed the new Emir's decision to keep the posts of crown prince and prime minister separate, as they have been since 2003. The appointments however, ignore a Kuwaiti political tradition that the position of the Emir and other top posts should rotate between the family's two wings. The new Emir, crown prince and the prime minister are all members of the Jaber clan of the Sabah dynasty.

Legislative Elections were held June 29 2006. Early elections after the new Emir Sabah Al Ahmed Al Jaber Al Sabah dissolved parliament on May 21 following weeks of political feuding over the electoral districts, The 29 MPs who demanded the reduction of the number of electoral districts from 25 to 5 have announced the formation of an Alliance for Change front. Among the 402 candidates contesting the elections are 32 women, who the first female candidates to participate in elections in Kuwait.

A debate over the constitutionality of members of the royal family contesting elections ensued after some of royal family announced their intention to run. Kuwaiti constitutional experts argue that while no provision of the constitution bans ruling family members from voting or standing in polls, an explanatory note advises royals to stay away from elections. Ultimately the candidates withdrew their nominations upon request from the emir. No ruling family member has ever contested parliamentary elections in Kuwait, although a number have in the past expressed a desire to run.

Laws under Review in Parliament

A heated debate is taking place in Kuwait over the government's proposal to amend the 1962 electoral law to reduce the number of electoral districts from 25 to 10. After weeks of political feuding, the parliament voted on May 16 to refer the electoral reform bill to the Constitutional Court, as suggested by number of MPs who oppose the bill. After boycotting the vote because they believe the referral to the Constitutional Court is designed to stall the reform process, proponents of the amendment decided on May 17 to interpellate Prime Minister, a move that may set the stage either for the dismissal of the cabinet or the dissolution of parliament by the emir. They argue the electoral amendments will make the elections more broadly representative (and less based on sectarian or tribal factors) and will discourage vote buying by undermining candidates who depend on tribal links and the provision of services in smaller districts to win seats. Despite the boycott by more than half of the MPs, all 16 cabinet members were present and voted in favor of referring the issue to the Constitutional Court. Kuwait's legislature has 50 elected deputies, but cabinet members have the right to vote in parliament. Minister of Information resigned on May 9 in protest against the amendment. The Emir dissolved parliament on May 21.

The Kuwaiti parliament approved a new press law on March 6, 2006 by unanimous vote of the 53 MPs present at the session. The law, which replaces the 1961 press and publications law, will become effective when the government issues its bylaws in six months. The new law prohibits the arrest and detention of journalists until the Supreme Court delivers a final court verdict and allows citizens whose applications for newspaper licenses are rejected to sue the government in court (while the 1961 law gave applicants the right to appeal only to the government itself). The new law prohibits the closure of publications without a final court verdict publications may be suspended for up to two weeks for investigation. It also bans jailing journalists for all but religious offenses, criticisms of the emir, and calls to overthrow the government, stipulating up to one year in jail for these offenses and fines ranging between US\$17,000 and US\$70,000.

Kuwaiti women voted and ran for office for the first time in Kuwait's history on April 4, 2006 in a local by-election to fill a single seat in the 16-member municipal council. Municipal elections took place in June 2005, but women could not take part in that vote

because the government-sponsored suffrage bill had only been passed a month earlier. Women took part in the election for the first time as voters and candidates but none won seats. There were 28 female candidates out of a total of 252 candidates standing for 50-seat parliament.

The bill, which needs to be approved by the emir of Kuwait, will cut the number of constituencies from 25 to five. Reformers have long argued that the larger number of constituencies allowed for votebuying. The Emir dissolved parliament in May, saying the dispute over the bill between the previous government and the opposition was harming national security. In the subsequent elections in June, the opposition won a majority. Under the new constituency arrangement, each of the five districts will elect 10 parliamentarians. Sixty of Kuwaitis 65 MPs voted for the government-sponsored law to reduce the number of constituencies to five. Only two members voted against it. All cabinet ministers present in the chamber voted for the law. The opposition, which focused its campaign for the 29 June election on the issue of the number of constituencies, won 33 of the 50 elected parliamentary seats. The Emir appoints the other fifteen seats.

Parliamentary boycott

By electing reformist candidates, the voters have sent a clear message to the government that they want change in Kuwaiti society, our correspondent says. A dispute over the issue led opposition MPs to boycott parliament. The Emir Sabah al-Ahmed al-Sabah dissolved parliament and called early elections. Kuwait's parliament is considered to be the strongest of those in the Gulf monarchies, and the National Assembly often expresses differences of opinion with cabinet in a robust fashion. However the emir has the final word on most government policies. Members of the ruling family hold key cabinet posts. The 50 elected seats in parliament are held for four years, unless the emir dissolves the body. Many candidates made fighting alleged corruption in the ruling elite a key issue. There are frequent allegations of vote-buying by pro-government candidates and fears among reformists that Kuwait's rulers want to turn the parliament into a rubber-stamp body.

The executive branch

The State of Kuwait is a hereditary Emirate. The constitution was approved and promulgated on November 11, 1962. The Emir is the head of state who appoints the prime minister and the two deputy prime ministers. He appoints and dismisses other ministers in consultation with the prime minister. He can adjourn the National Assembly for a period not exceeding one month and may also dissolve the National Assembly and call for new elections within two months. The Emir can issue decrees, which have the force of law, provided that they are not contrary to the constitution or to the budget law; initiate and promulgate laws; and appoint and dismiss civil, military and diplomatic officials. He can declare defensive war and martial law by decree, which must be referred to the National Assembly within fifteen days. Martial law may not continue unless a decision to that effect is made by a majority vote in the Assembly. The Emir can conclude treaties by decree but must submit them to the National Assembly for ratification. He can grant a pardon or commute a sentence, but law can only grant general amnesty. The Emir is “immune and inviolable” according to Article 54 of the constitution, thus he is beyond any political criticism or accountability. The Emir appoints the crown prince and the prime minister and the offices of crown prince and prime minister were separated in 2003 for the first time since independence.

The council of ministers

The Council of ministers are appointed by the Emir on recommendation of the prime minister.

However, the ruling family controls the most important ministries Interior, Defense, Foreign Affairs, Energy, Planning and Administration.

Legislative branch

The Unicameral National Assembly Majlis (AL Umma) was created in 1963 and is made up of 50 members elected for a four-year term and of 11-16 ministers who are not elected but who sit as ex-officio members. Elected officials may also serve in the cabinet, in which case the number of ex officio members is reduced accordingly. Twenty-five electoral constituencies each elect two members to the legislature. In each district, the two candidates with the highest number of votes win the seats, even though they may receive less than a majority of the votes.

Can initiate legislation. Promulgation of laws takes place within thirty days of their submission by the National Assembly to the Emir, after being confirmed in the Assembly by a two-thirds majority vote. This period is reduced to seven days in case of urgency. Such urgency is decided upon by a majority vote of the members of the National Assembly. If the period of promulgation expires without the head of state demanding reconsideration, the bill is considered as having been sanctioned and is promulgated. Laws are published in the Official Gazette before they become effective.

The legislative branch can overturn any of the emir's decrees made during dissolution of the assembly. The parliament can also veto a law proposed by the government. No law may be promulgated unless the National Assembly has passed it and sanctioned by the emir. Decrees issued by the emir are referred to the National Assembly within the fifteen days following their issue if the Assembly is in session. If the Assembly does not confirm them, they retrospectively cease to have the force of law. The emir can question and withdraw confidence from ministers and the cabinet. Withdrawal of confidence from a minister takes place by a majority vote of the members of the Assembly excluding ministers. The question of confidence in the prime minister may not be raised before the National Assembly but if the National Assembly decides that it cannot work with the prime minister, the matter is submitted to the emir. The emir may either remove the prime minister from office and appoint a new cabinet or dissolve the National Assembly.

The National Assembly elects a speaker and a deputy speaker from among its members. The speaker has the power to convene sessions; establish and modify the agenda; organize

the debates and set speaking times; examine the admissibility of bills and amendments; and bring items outside the agenda to the floor. He draws up the budget of the Assembly and submits it to the Bureau of the National Assembly. He is also consulted by the head of state prior to the appointment of the prime minister.

The government draws up an annual draft budget comprising the revenue and expenditure of the state, and submits it to the National Assembly for discussion and approval, at least two months before the end of the fiscal year (article 159 of the Rule of Orders). The Financial Control Diwan (Audit Bureau) is attached to the National Assembly and assists the government and the National Assembly in controlling the collection of state revenues and the disbursement of its expenditures within the limits of the budget. The Audit Bureau submits an annual report to both the government and the National Assembly. It has no judicial competence.

Despite the presence of the appointed members, the assembly demonstrates considerable independence and often votes against the government. Although political parties are not allowed there are parliamentary blocs. From 1976 to 1981, the National Assembly was suspended and after elections in 1981 and 1985 it was again dissolved. New elections for the National Assembly were held in 1992 fulfilling a promise made by the emir during the period of Iraqi presence in Kuwait.

In 1999, the emir issued several decrees dealing with women's suffrage, economic liberalization, and citizenship. The National Assembly later rejected all of these decrees as a matter of principle and then reintroduced most of them as parliamentary legislation. In October 2003 the cabinet approved draft legislation granting women full rights to vote and run as candidates in elections. The measure did not receive parliamentary approval and therefore did not become law. Finally on May 16, 2005 parliament passed a government-sponsored bill to amend the electoral law to grant women the right to vote and to run for office. The vote passed 35 to 23 with one abstention, only two weeks after parliament had denied women the right to participate in municipal elections.

The Kuwaiti parliament is a member of the Inter-Parliamentary Union (IPU) and the Arab Inter-Parliamentary Union (AIPU).

Municipal Council

There is only one municipality in Kuwait but with many service branches in several areas. The Municipal Council was established in 1932. It is composed of sixteen members, of whom: ten are elected and six appointed by the emir. It includes five subcommittees that divide up administrative responsibilities. The last Municipal elections took place in June 2005. For the first time, two women are among the six members appointed by the emir.

Political Parties

Political parties are illegal. De facto, formal political groupings form to support candidates for the National Assembly, and the candidates are usually organized along ideological lines. The legal status of these political groupings is yet to be determined. The constitution does not pronounce on their legal position. Although it does not explicitly approve the right to form political parties

Electoral Law

Election Law number 35 of the year 1962 Law was amended on May 16, 2005 to allow women to vote and run for political office. Discussion on lowering the voting age from 21 to 18 or including military servicemen was postponed indefinitely.

3.12.2 Qatar

Currently Qatar only has an appointed council with a limited advisory role but it will hold its first legislative elections in early 2007, according to an April 1 statement issued by the Foreign Minister. Qatar's constitution was approved in an April 2003 by popular referendum creating a legislative body with thirty members elected by universal suffrage and fifteen appointed by the emir. According to the constitution, the legislature will have three main powers: to approve (but not prepare) the national budget; to monitor the performance of ministers through interpellations and no-confidence votes; and to draft, discuss, and vote on proposed legislation, which becomes law only with the vote of a two-thirds majority and the Emir's endorsement

The State of Qatar is a monarchy. Qatar promulgated its first written constitution in June 2004, after it had been approved by 97 percent of voters in an April 9, 2003 referendum. The Permanent Constitution of the State of Qatar entered into force in June 2005. The process of approving legislation and introducing institutional changes to conform to the constitution is on-going.

Executive branch

The emir is the head of state. He appoints the prime minister and ministers under the current Advisory Council. In the future, under the new constitution, he may only appoint 15 out of the 45 members of the Council. The emir serves as defense minister and commander-in-chief of the armed forces. He also exercises control over the police and internal security services and can establish ministries and consultative bodies. The emir ratifies and promulgates laws, but no longer has direct legislative power. The new constitution places such power in the hands of the Advisory Council, which will become the legislature once elections are held. The emir can issue decrees with the force of law when the Advisory Council is not in session. Such decrees must be ratified by the Advisory Council and can be overturned or returned for revision by a two-thirds majority of the Council. He may declare martial law by decree in exceptional cases to be defined by law. Such a decree must be presented to the Advisory Council within 15 days or at its first meeting after the decree. The duration of martial law must be limited and can only be extended with the approval of the Advisory Council. The emir may call for a referendum on important issues, the results of which are binding.

Legislative branch

Advisory Council (Majlis A' Shura)

Under the 1970 Constitution, the council is made up of 35 members appointed by the emir who serve for four-year terms. It assists and advises the government but has no legislative powers. In accordance with changes in the new constitution the council will be made up of 45 members, 30 elected and 15 appointed by the emir.

The current Advisory Council is headed by the council speaker and the council's office and is organized into committees. Under the new constitution, the council will elect a speaker and deputy speaker at the beginning of each of its four-year terms. The speaker will chair council meetings and head the council bureau, which will be composed of the speaker, his deputy, and the chairs of committees. The speaker will be empowered to cast a tie-breaking vote.

Local Government

Qatar is divided into 10 administrative districts. The Central Municipal Council was created in 1999 to serve as a single, nationwide municipal body. The Central Municipal Council is composed of 29 members elected from the ten districts. The first municipal elections were held in March 1999. The most recent elections took place on April 7, 2003. The Municipal Council serves in an advisory capacity. It is responsible for supervising the implementation of laws and decisions of the Ministry of Municipal Affairs and Agriculture. The minister can dissolve the Municipal Council

Political parties

Political parties are illegal

Electoral Law

Universal adult suffrage is over the age of 18. Members of the armed forces and police cannot vote or run for office.

Civil society

The government does not allow independent human rights organizations. In 2002 the emir announced the establishment of a National Human Rights Commission composed of 13 representatives from various ministries and five civil society representatives. The commission's task is to act as an advisory body to the government on the promotion of human rights and to respond to individual complaints concerning human rights.

Constitutional Revision

There is no constitutional court or mechanism for constitutional review even though the constitution calls for such a judicial agency to be established. The emir or one-third of the members of the Advisory Council can call for an amendment to the constitution.

Amendments are passed by a two-thirds majority of the council and must be approved by the emir. An amendment that is rejected cannot be proposed again until one year has passed. The constitution cannot be amended until ten years have passed from the time of its entry into force. The constitution cannot be amended regarding the rule of the state and its inheritance, the functions of the emir during his deputation, and the rights and liberties granted by the constitution.

3.12.3 Bahrain

The Constitution was promulgated in February 2002. Bahrain's largest political society boycotted the 2002 elections to protest constitutional changes that granted the appointed upper chamber of parliament equal legislative powers to the elected 40-seat lower chamber. Bahrain's King asserted on February 4, 2006 that he welcomes participation by opposition groups in parliamentary elections. Bahrain's lower house of parliament approved on May 18 amendments to the Public Gatherings Law of 1973 that bans rallies near airports, hospitals, shopping malls, and locations deemed security-sensitive by the interior minister. According to the law, rally organizers must inform the authorities three days before the scheduled date and assume full civil and criminal responsibility for damage to private or public property during a demonstration. The law also bans carrying firearms or knives during demonstrations, stipulates that rallies may not be held before 7am or after 11pm. Twenty-one Bahraini women announced that they will run in elections. No female candidates won seats in the 2002 legislative elections, but the king appointed six women to the upper chamber of parliament. The Kingdom of Bahrain defines itself as a hereditary constitutional monarchy, but the powers of the king are too extensive for Bahrain

Executive branch

The king is the head of state. He appoints and dismisses the Prime Minister and the cabinet and has wide-ranging executive and legislative powers. The king appoints the president and members of the Consultative Council. He is the commander in chief of the armed forces and is Chairman of the Higher Judicial Council and appoints judges. He has the right to call for a referendum on any issue he deems important. He can rule by decree and dissolve parliament and has the right to veto laws passed by the National Assembly. The king has the power to amend the constitution and propose, ratify, and promulgate laws. The present king succeeded his father as Emir in March 1999 and became king in February 2002. Prime Minister the uncle of the present king, has held this position since 1971. appointd by the king.

The council of municipal

This council is appointed by the king and is headed by the prime minister. The king swore in a new cabinet on January 15, 2005.

Legislative branch

A unicameral National Assembly was established in June 1972 and was dissolved in August 1975. From 1975 to 2002 there was no National Assembly and the cabinet assumed legislative powers. According to the February 2002 constitution, legislative authority is vested in the king and the National Assembly. The National Assembly is now bicameral and consists of an appointed Consultative Council and an elected Chamber of Deputies.

Consultative Council (Majlis A' Shura)

The consultative council was originally established in December 1992 as an advisory body with the right to propose legislation. It has forty members appointed for four-year renewable terms. The king appoints the president and the members of the Council, the president then chooses two vice-presidents. When the two houses are convened together, the president of the Council serves as chairmen of the session. In the event of a deadlock, the president of the Council casts the tie-breaking vote.

Chamber of Deputies (Majlis A' Nuwab)

This chamber has forty members elected by universal adult suffrage for four-year terms in forty electoral districts. It has a role in considering legislation, such as proposing and amending laws, but legislative authority still resides with the king. It cannot draft or initiate legislation. The chamber can be dissolved or recalled by the king. If the Chamber is dissolved elections are to be held within four months of the dissolution. The Consultative Council has effective veto power over decisions made in the Chamber of Deputies. Ultimate decision-making power remains in the palace. The legislature has so far not passed any law proposed by a member of the National Assembly, all enacted laws being government-proposed initiatives

Political parties

Political parties are illegal in Bahrain. Political societies, which de facto operate as parties, have been sanctioned and licensed by the government since 2001. Political societies are allowed to select election candidates, act as parliamentary blocs, hold internal elections, campaign for public support, and host political gatherings.

Electoral Law

The Election Law 2002 granted the right to vote to Bahraini citizens, women as well as men 21 years of age and older. Citizens of GCC countries who are Bahraini residents as well as non-residents who own property in Bahrain are also allowed to vote. Citizens of non-GCC countries are not allowed to vote. The constitution provides for the freedom of speech and press, but the government limits these rights in practice, especially in the media.

Civil society

The 1989 Law of Associations regulates civil society organizations.

Bahrain has seen an increase in the number of nongovernmental organizations working on human rights and women's rights in recent years. There are 386 NGOs registered in Bahrain. NGOs must report the Ministry of Labor when their members participate in international NGO events.

Constitutional Revision

The first constitution entered into force on December 6, 1973 and was suspended in 1975.

The king officially announced a new constitution on February 14, 2002 that was to be “carried out in accordance with the provisions of the National Action Charter.”

3.12.4 Saudi Arabia

The Basic Law (Nizam), a series of laws issued in 1992, serves as an informal constitution.

The government-appointed clergy act as the nominal arbiters of constitutional matters, but the king retains absolute authority to determine the outcome of constitutional disputes.

Executive Branch

The king is the head of state. He rules by decree, performs legislative and executive functions, and acts as the ultimate source of judicial power. Through a royal order he can introduce new laws, amend existing laws or reinterpret them. He is the commander in chief of the armed forces and appoints officers and revokes their duties. The king approves and amends international treaties, agreements and regulations by decree and approves all decisions of the Council of Ministers.

The Council of Ministers

This council consists of the king, the crown prince, three royal advisers who hold official positions as ministers of state, five other ministers of state, and the heads of the twenty ministries. The commander of the Saudi Arabian National Guard, the governors of Medina, Mecca, Riyadh, and the Eastern Province, as well as the governor of the Saudi Arabian monetary Agency and the head of the General Petroleum and Mineral Organization (Petromin) hold ministerial rank and are members of the Council of Ministers. The Council has responsibility for drafting and overseeing the implementation of internal, external, financial, economic, education and defense policies, and general affairs of state; authority in financial matters and approving the annual budget and development plans. It can propose legislation, and approve draft laws, concessions and international agreements, which come into effect when they are ratified by the king. In practice, the king often passes and amends laws without first submitting them to the Council of Ministers. The national

budget does not include a precise breakdown of sources of state revenue and expenditure. Royal allocations are not published and public expenditures are not subject to independent oversight.

Legislative Branch

Saudi Arabia does not have a standard legislature. It has instead a Consultative Council (Majlis A' Shura), which was established by royal decree under the 1992 Consultative Council Law. The Consultative Council consists of 150 members selected by the king. They cannot include princes or serving ministers. Members serve for four-year terms. When a new Consultative Council is formed, at least half of those appointed must be new members. It can be restructured and dissolved by the king. The consultative Council is only with advisory capacity, leaving the king as final arbiter and decision-maker. In case of agreement between the two councils (Ministers and Consultative) the law is promulgated on the king's consent. In case of disagreement the king is free to make a decision. In October 2003, the Saudi press reported that the government would conduct elections for one third of the members of the Consultative Council within three years. Discussion about possible, at least partial, elections to the council has resumed after the fourth expansion of the council membership to 150 in April 2005.

Judiciary

The king is responsible for the implementation of judicial rulings. The judiciary is subject to the influence of the royal family. Provincial governors (most of whom are members of the royal family) have the authority to exercise leniency and reduce a judge's sentence.

Local Government

The kingdom is divided into 13 provinces, each of which is ruled by a governor. The provincial government oversees the local offices of the central government and municipal officials. In some of the provinces there is a public Majlis where citizens can voice their grievances. The king appoints governors and members of provincial councils. The minister of interior appoints local administrators. Most governors are also members of the house of Al Saud. In 2003, the king approved the creation of consultative councils at the

municipal level. Half of the officials in these bodies are to be elected by popular vote. The councils have a narrow mandate, which deals principally with the provision of services.

Basic rights and associations

The Basic Law (Nizam) does not include explicit guarantees of basic rights such as freedoms, expression, assembly, or political participation. It does prohibit the government agencies from arbitrarily arresting citizens and from violating their privacy. The Basic Law does not provide for freedom of association. Public demonstrations pertaining to political issues are prohibited. Trade unions, syndicates, collective bargaining and strikes are prohibited, with limited provisions for companies with over 100 workers. The government does license professional associations such as the Saudi Chemists Association and the Saudi Pharmacists Society.

Governmental permission is required to form professional groups and associations, which must be non-political. Revisions of the Basic Law are carried out by decree.

Media Laws

Article 39 of the Basic Law states that: “Mass media, publication facilities and other means of expression shall function in a manner that is (courteous) and (fair) and shall abide by State laws. Newspapers are privately owned but receive state subsidies. Their publishers and editors are appointed or at least approved by the government.

Political Parties

Political parties are prohibited.

Civil Society

In January 2003, Crown Prince Abdullah issued a call for “self-reform and the promotion of political participation” across the Middle East. Later that month, 104 Saudi Arabian citizens sent a charter entitled “Vision for the Present and the Future of the Homeland” to Crown Prince Abdullah. The charter urged comprehensive reforms including guarantees of freedom of expression, association, and assembly, and requested release or fair trials for

political prisoners. A second petition followed in September 2003. "In Defense of the Nation" criticized the slow pace of reform and the absence of popular participation in decision-making. Signed by 306 academics, writers, and businesspeople, including fifty women, it advocated popular election of the Consultative Council. In December 2003, another groups joined in calling for the implementation of the reforms outlined in the "Vision" and for the opening of a constitutional process.

Recent Government Initiatives Affecting Rights

The King decreed the establishment of a government human rights agency on September 12, 2005 to "protect human rights and spread awareness about them ... in keeping with the provisions of Islamic law. In March 2004, the Saudi government gave a green light for the establishment of the National Human Rights Association to review complaints about human rights violations and monitor the Kingdom's compliance with international human rights agreements. In August 2003, Crown Prince Abdullah announced the establishment of the King Abdulaziz Center for National Dialogue to promote public exchange of ideas.

3.12.5 United Arab Emirates

State Institutions/ Separation of Powers

The United Arab Emirates (UAE) is a federation of seven emirates: *Abu Dhabi, Dubai, Ajman, Al Fujayrah, Sharjah, Ra's al Khaymah, and Umm al Qaywayn*. Its own traditional rulers govern each of the seven emirates. The central institutions of the UAE, regulated by the constitution, are ultimately dependent on the power of the emirate-level traditional rulers. The 1971 interim constitution was amended and made permanent constitution in 1996

Executive and Legislative branches

There is no true separation between the executive and legislative branches in the UAE. The president is the head of state. The Emir of Abu Dhabi is the current president and has held this position since November 2004. He succeeded his late father Zayed bin Sultan who had been president since 1971. The prime minister is the head of government and is responsible to the president and the Federal Supreme Council (FSC). The present emir of

Dubai, has held both the positions of vice president and prime minister since January 5, 2006. His late brother, held the position from 1990 until 2006. While the same person currently holds the positions of prime minister and vice president, this is not required by the constitution and has not always been the case.

The Federal Supreme Council (FSC)

Is the highest legislative, executive, and constitutional authority in the U.A.E. It is composed of hereditary rulers from each of the seven emirates. The rulers of Abu Dhabi (president) and Dubai (vice president) have veto power on FSC decisions. The ruling families in each emirate choose new members of the FSC. It is required by law to meet at least annually but in practice usually meets four times a year. The FSC approves federal legislation, elects the president and vice president for five-year terms. Both positions may be re-elected for an indefinite number of times. The FSC also approves the nomination of the prime minister.

The Council of Ministers

This council is appointed by the president and headed by the prime minister and is responsible to the president and the FSC. It drafts decrees and laws but cannot approve them.

The Federal National Council (FNC)

The Federal National Council (FNC) or (*Majlis Al Ittihad Al Watani*) reviews legislation and proposes amendments but cannot enact or revise legislation, it does not have veto power, and it only serves in an advisory and consultative role. The F.N.C is unicameral. It is comprised of forty members appointed by the rulers of the seven emirates to serve two-year terms with the possibility of renewal. The leaders of Abu Dhabi and Dubai each appoint eight members, Sharjah and Ra's al Khaymah each appoint six members, and Ajman, Umm al Qaywayn, and Al Fujayrah each appoint four members. Each member of the FNC has to serve on at least one committee. It is controlled by an Executive Committee composed of the FNC's chairman.

It can discuss the annual budget and the power to make policy recommendations to the cabinet and to summon and question any minister regarding ministry performance. Federal laws are drafted by the Council of Ministers and then submitted to the appropriate FNC committee. The committee suggests amendments to the proposed draft; the amended draft goes to the Legislative Committee for debate and consultation. The draft is then presented to the president. The beginning and end of F.N.C sessions are determined by presidential decree.

The present president of the United Arab Emirates announced in 1 December that half of the members of the Federal National Council (FNC), the closest body the country has to a parliament, would be indirectly elected, no date has been set for elections. A Ministry of the Federal National Council Affairs was created to begin implementing the president's announcement. The 40-member FNC serves in an advisory capacity, but former members of the FNC have recently voiced demands for legislative powers.

Judiciary

The constitution provides for a formally independent judiciary; however, in practice judicial decisions are subject to review by the government. The Ministry of Justice is directly involved in almost all aspects of court administration. The president appoints judges and their decisions are also subject to review by the FSC. UAE nationals retain their judicial appointment for life, while judges that are foreign nationals serve under renewable contracts.

The Emirates and Local Government

Articles 120 and 121 of the 1996 constitution govern the relationship between the central government and the emirates. They give the central government responsibility for foreign policy, defense, immigration, education and health, the currency, the postal system, communications services, air traffic control, labor relations, banking, delimitation of territory, and extradition. Articles 116 and 122 stipulate that, "the Emirates shall exercise all powers not assigned to the Federation by this Constitution," and that "the Emirates shall have jurisdiction in all matters not assigned to the exclusive jurisdiction of the Federation."

Electoral Law

Political parties are prohibited. As is mentioned above, for the first time in its history, on 1 December 2005 that half of the members of the Federal National Council (F.N.C), the closest body the country has to a parliament, will be indirectly elected. The ruler of each of the seven emirates will form local assemblies, which will then elect half the F.N.C members from among themselves. It is unclear how the local assembly members will be chosen. The other half of the council's members will continue to be appointed by the leaders of the emirates. The 40-member F.N.C serves in an advisory capacity and lacks legislative powers. No date has been set for elections.

Civil Associations

The United Arab Emirates' first official human rights association was established on February 18 with the aim of “respecting and enforcing human rights according to the state's laws and constitution. The constitution does not provide for freedom of association or assembly. The government limits freedom of association and public assembly is subject to government approval. All private associations, including children’s clubs, charitable groups, and hobby associations must be approved and licensed by local government authorities. In practice, government enforcement is inconsistent and unlicensed groups exist. While permits are required for organized public gatherings, in practice the government does not interfere with gatherings held in public places without a permit, unless there are complaints.

Media Laws

The constitution provides for freedom of the press. In practice, the situation is extremely mixed. The government prohibits criticism of itself and the ruling families, as well as coverage of any subjects it considers to be a threat to stability but it has also allowed the establishment of remarkably free satellite TV stations.

Constitutional revision

Under Article 144, amendments to the constitution are drafted by the Federal Supreme Council and must be approved by a two-thirds majority of the Federal National Council before the president signs them into law.

3.12.6 Oman

The Sultanate of Oman is a hereditary monarchy. A Basic Law was issued by royal decree and promulgated on November 6, 1996.

Executive branch

The sultan is the head of state and has been Sultan since July 23, 1970. He presides over the Council of Ministers (or may appoint someone to do so); appoints and dismisses Deputy Prime Ministers; Ministers; Under-Secretaries; General Secretaries; Governors and those of their rank; presides over the Specialized Councils or appoints chairmen for them; and appoints and dismisses senior judges. The Sultan holds the portfolios of defense, foreign affairs and finance; is the governor of Oman's central bank; is the Supreme Commander of the Armed Forces; and issues and ratifies laws. The Sultan may declare a state of emergency, general mobilisation or war, and make peace in accordance with the provisions of the Law. He may sign international treaties in accordance with the provisions of the Law and issue decrees ratifying them. The Sultan may wave or commute punishments. According to the Basic Law, the Ruling Family Council will determine the Sultan's succession within three days of the position of Sultan becoming vacant. If the Ruling Family Council does not agree on a successor, the Defence Council shall confirm the appointment of the person designated by the Sultan in his letter to the Family Council.

The prime minister

The current Sultan has served as Prime Minister since 1972. If the Sultan were to appoint a Prime Minister, his competencies and powers would be specified in the decree appointing him.

The Council of Ministers

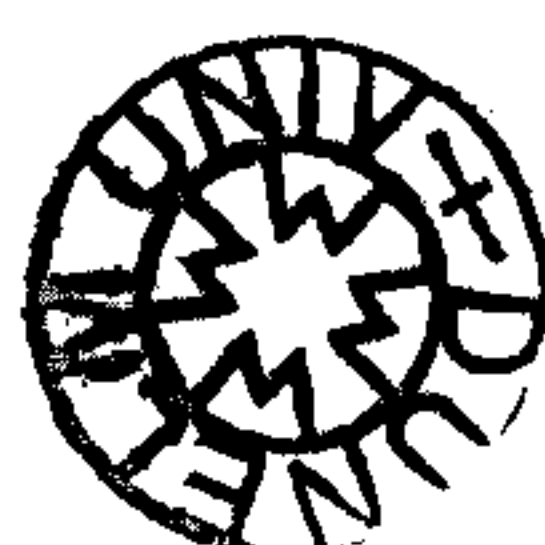
The Sultan appoints the council. It formulates aims and general policies for economic, social and administrative development and proposes methods of implementation of these policies; proposes draft laws and decrees; discusses developmental plans and Ministry proposals and is responsible to the Sultan. Public service ministries are required to submit reports and answer questions regarding their performance and plans before the Majlis A' Shura. The Sultan presides over Specialized Councils that assist in planning and administration. The powers of these councils are defined and members appointed by royal decree.

Legislative branch

All laws are issued by either royal or ministerial decree. The 1996 Basic Law established a bicameral parliament, the Council of Oman, composed of the Consultative Council and the Council of State. They function mainly in an advisory capacity. The Basic Law does not specify the powers of each of these Councils; the division of labour between the two consultative bodies is still unclear. The Council of Oman does not include government officials or civil servants. Both chambers are independent of each other financially and administratively. The Council of Ministers receives an annual report from each chamber prepared by the Office of that chamber and presented by its president. The presidents of each chamber also present an annual report to the Sultan.

Majlis A' Shura (the Consultative Council)

Is an advisory body inaugurated in 1991 with limited powers to propose legislation. It has 83 members elected by universal suffrage for four-year terms (extended from five years by a royal decree in October 2003), which may be renewed once. Its main function is to review and comment on draft economic and social legislation prepared by the ministries in accordance with the Five Year Plan. It also examines drafts proposed by the Sultan. It is not invited to express its views on defence, foreign policy finance or any other sensitive topic. It may call services ministers to for discuss some of their ministries affairs. It is responsible to the Sultan and the Council of Ministers.



Electoral Law

For the 2003 elections of the Majlis a' Shura, the Sultan issued a decree removing requirements for voters and candidates to be approved by the government prior to their registration to vote. The decree also extended suffrage to all Omani nationals over 21 years of age. Elections are held by majority vote. Military and security personnel may not vote. Naturalised Omanis are not eligible to participate in the electoral process. No matter how many candidates compete in an electoral district, those receiving the greatest number of votes will win a seat. No minimum percentage of votes is required. The next Shura Council elections are due to be held in 2007, after the membership term was extended by a 2003 royal decree to 4 years.

Majlis A' Dawlah (The Council of State)

Is an advisory body established in 1997

Has 58 members appointed by the, its membership may not exceed that of the Majlis A' Shura. The members of the Majlis A' Dawlah are appointed for four - year term renewable terms, according to the current amendments.

Presents proposals to encourage investment and to streamline administrative processes.

Reviews the draft laws proposed by the government and presents its opinions to the Sultan and his ministers in cooperation with the Majlis A' Shura.

Local Government

Oman is divided into (60) wilayats (provinces) (the royal decree no.113/2006 promoted Nyabat Al Maziunah to become wilayat). Each wilayat is presided over by an appointed executives (walis) who is responsible for coordinating government activities within their area. The Governors of Muscat and Dhofar are also Ministers of State. There are 44 Walis in other parts of the Sultanate, who are responsible to the Ministry There are three Governorates of Muscat, Dhofar and Musandam, where 15 Walis report to the of the Interior. None of the levels of local governance has significant autonomy. Oman does not hold municipal or any other local elections.

Exercise of rights

Political parties are illegal. All public gatherings require government permission and the government has the authority to prevent organized public meetings without any appeal process. According to the law, arbitrary arrest and detention are prohibited. But in practice the police are not required to obtain an arrest warrant in advance. Government authorities must obtain court orders to hold suspects in pre-trial detention, but the police and security services do not regularly follow these procedures. The Basic Law (article 34) states that citizens have the right to address the public authorities on personal matters or matters related to public affairs in a manner consistent with the (law).

Media Laws

The 1984 Press and Publishing Law enables the government to censor political and cultural publications.

Basic Law Revision

Article 81, of the Basic Law, states that it can only be amended in the same manner in which it was promulgated, namely by royal decree.

3.13 Conclusion

There can be no doubt that from the second half of the 1980s⁵⁰ both internal as well as external factors in the GCC states brought pressure for reform. Simple reforms (with the exception of Kuwait) introduced in the GCC states from the late 1990s started from quite different bases and were responded to in various and to varying degrees by the ruling families.

The rise of the middle class and changing education levels of the G.C.C population, in addition to other various internal factors, as well as global changes have enlarged the demands for essential reforms and has enhanced the stress for power-sharing.

⁵⁰ Gred nonnman, political reform in the Gulf Monarchies: from liberalization to democratization? A comparative perspective 2006 Page no, 8

The ruling families of the G.C.C will be put under strong pressure and will find it more difficult in the coming years to remain at the apex of power without giving way to the people participating in the decision-making process.

Regardless of the reasons that motivate political reform, the necessity and importance of reform is becoming clearer in the minds of the rulers.⁵¹ Political reform is considered the most appropriate instrument for the foundation of political legitimacy, along with a need to re-formulate the social contract as a way of enlarging popular participation in the running of public affairs. There are many arguments that reform will revitalize civil society and revamp and empower state institutions to tackle a number of demands of the future.

Any political or social-political reforms in the G.C.C States should be affected by the needs of the people. The essential issue is that the transformation from totalitarian regimes, which claim guardianship of property and the people, to democratic regimes draw their legitimacy from the people.

At the beginning of the chapter, it was stressed that it is very important to reassure, and repeat that any discussion about one country in the GCC regularly necessitates talking about other countries of the GCC given the fact that they share so many aspects in most levels politically, economically, historically, socially, traditionally, through family ties and the common destiny of the people.

Chapter four discusses the first formal (representative) institution with fully appointed members and advisory powers known as the State Consultative Council.

⁵¹ Gulf Research Centre, Gulf in a year 2003 year of issue 2004 page 17

Chapter 4

The Establishment of Al -Majlis El- Estishari lil- Dawla (The State Consultative Council) SCC (1981-1990)

4.1 Introduction

A look back to recent history of the region, particular of the GCC Countries would no doubt help us better understand the nature of the changes which are an integral part of the political reform programs being marshalled in the GCC states, however different the degree and type of reform maybe from one country to the other.

Several internal factors were at play such as the outcomes of the public struggle for freedom and democracy, expansion of the revolution across the country, and its effects from Dhofar across the whole Gulf region in 1970s, as well as its effects on the whole transformation and reform process. There were also in existence a number of university graduates and businessmen who were looking to play an important role in the political process.

The government was working hard and making painstaking efforts to present itself as a modern and institutional state to please the international society and to respond positively to pressure coming from powerful institutions such as the International Monetary Fund and the impact of the first Gulf war (between Iraq and Iran) and its implications for the region. These factors and other waves of popular demands as well as regional and international factors led to the founding of the State Consultative Council (GCC).

Definitely there were numerous internal, regional and international reasons, which led the Omani Government to feel it was the right time to change its policies and to allow new institutions to transform the country and show willingness to make positive changes for the

future without giving away total control over those changes. This change in government thinking was a result of numerous important political, economic and social factors taking place both in Oman and globally, as well as increasing awareness and popular demands for changes, especially among the educated class. The business class also based their interests and desires in securing greater political participation.⁵²

4.2 Membership and its conditions

4.2.1 Conditions for membership

To be a member of the SCC an individual must be an Omani national, at least thirty years old at the time of appointment, and a man of opinion and experience. The Council members should represent all the citizens of the country regardless of the sector from which they are selected. The membership of the S C C, as described by the government, consists of a mixture of representatives from central government and the national sectors. The representatives of the government sector were divided into under-secretaries of ministries, ex-officio members, and government members in their personal capacities. The representatives of the national sectors were divided into the private sector and regions. It is noteworthy that the number of representatives from each sector was changed according to each term.

4.2.2 Member immunity

According to Article 47 any measure to be taken against a member during the sessions shall first be communicated to the President of the council. The immunity of members means that no measures or legal action can be taken against them to stop them speaking without the permission of the President of the Majlis. The purpose of this immunity was to enable the members to express their views and assume the responsibilities vested in them without fear of sanctions. This immunity is only practiced during the sessions of the Majlis.

4.3. The terms of the S.C.C (1981-1990)

4.3.1 The first term (October 1981- September 1983)

Royal Decree No. 85/81

In the first term of the Council, according to the above-mentioned royal decree, there were forty-five members - 17 of whom represented the Government sector, 27 represented the National sector, 11 represented the Private sector and 17 represented the regions.

The government sector members of the Council consisted of two groups. The first group the Under-secretaries of the ministries represented in the Council are listed below as ex-officio members:

- 1-Ministry of the Interior
- 2-Ministry of Education and Youth
- 3-Ministry of Health
- 4- Ministry of Social Affairs and Labour
- 5- Ministry of Commerce and Industry
- 6- Ministry of Communications
- 7- Ministry of Agriculture and Fisheries
- 8- Ministry of Electricity and Water
- 9- Ministry of Post, Telegraph, and Telephones
- 10- Ministry of Land Affairs and Municipalities

The second group of 7 government officials sat as representatives on the Council in their personal capacities. It should be noted that the representation of the government members has continued in the same form during the different periods of the council, especially in respect of the two groups, although with some differences in regards the names of the members and the number of members from each sector during each term.

4.3.2 The second term (October 1983- December 1985)

Royal Decree No. 61/83

At the beginning of the second term (29th October 1983) the above-mentioned Royal Decree was issued and the number of Council members was increased from forty-five to

fifty-five, eighteen of whom represented the government sector in two groups. The first group consisted of ten Under-secretaries of the ministries sitting as ex-officio members. The second group consisted of nine government officials sitting in their personal capacities. The representatives of the national sector consisted of thirty-six members - twenty-five representing the regions, an increase on the previous term, while the number of representatives of the private sector remained at eleven.

4.3.3 The third term (January 1986 – December 1987)

Royal Decree No. 101/85

In the third term of the State Consultative Council the members were appointed as follows. In the government sector the members of the Government that were appointed fell into two categories - 11 Under-secretaries to the ministries sat as ex-officio members and 7 members sat in their personal capacities. The members for the national sector also fell into two categories - 11 members represented the private sector and 25 members represented the regions.

4.3.4 The fourth term (January 1988 – December 1989)

The Royal Decree No. 91/87

As stipulated in Article 1 of the above-mentioned royal decree the members of the Council were distributed as follows. In the government sector as in the third term the number of Under-secretaries Ministers who sat on the council as ex-officio members was eleven. The number of government officials representing the Government also remained at seven. In the National Sector the number of representatives from the private sector during this term was eleven and the number of regional sector representatives remained at twenty-five as in the previous term.

4.3.5 The fifth term (January 1990 – December 1993)

Royal Decree No. 3/90

According to the above-mentioned royal decree issued on 1 January 1990, the total number of members of the Council remained at fifty-four and was divided into the following categories:⁵³ There were eighteen representatives from the government sector with 11 under-secretaries to the ministries as ex-officio members while 7 members sat in their personal capacities. There were thirty-six members representing the national sector, twenty-five represented the regions, while the number of representatives from the private sector remained at eleven as in the previous term.

It can be seen from the above-mentioned royal decrees, which stipulated on the different stages and terms of the State Consultative Council, regarding the selection and appointment of members and their distribution from the different sectors that there were no important changes occurring during these periods. There was nothing striking or innovative regarding the process of the Council's formations or its functions during these stages of development. The formation of the Council, and the number of its members, remained substantially the same throughout the five terms with very few exceptions, which are hardly worth mentioning.

4.4 Functions of the Council

The functions of the State Consultative Council were laid down and specified by Royal Decree No. 84/81 (1) to express opinions on the economic and social laws in force and to recommend any necessary amendments; (2) to express opinions on the general policy of development submitted by the Government to the Council; (3) propose measures that the Council considered suitable for their completion and for the legislation related to them; (4) to propose steps and procedures in the field of development which have not been tackled by the Government, with the objective of increasing national production; (5) to determine the bottlenecks facing the private sector and suggest suitable means to overcoming them according to the available resources of the State; and (6) to express opinions on other issues, which the Sultan wished to refer to.

⁵³ S. of Oman Al Magles El- Esteshari lil-Dawlha, p. 212

In addition, some commentators have said that the SCC gives the members especially the representatives of the citizens (as they are described by the Government) the chance to raise and discuss their needs directly with ministers during the Council's debating sessions. These discussions have led ministers to become more concerned than before and they now try to prepare themselves to give explanations of their policies and to face the questions of Council members. The duties of the State Consultative Council members include consulting through its committees with representatives of key individuals in Oman society from across the country, such as tribal leaders and businessmen.

4.5 The Internal Regulations of the State Consultative Council

4.5.1 General rules

The State Consultative Council shall participate in the Government's decision-making process by giving opinions in the fields of economic and social development, and the President of the Council shall submit the Council's recommendations to the Sultan according to Article 1 of Royal Decree No. 86/81.

In the event of non-compliance with the recommendations of the Council, the Government entities concerned shall submit to the Sultan a report on their reasons.⁵⁴ The rules of the Internal Regulations shall ensure freedom of speech to all members of the Council. The members shall comply with the laws of the country and its potentialities and the rules of the Internal Regulations during their discussions and when making recommendations.

⁵⁴ The S.C.C. in eight years 1981- 1989 p. 165

4.5.2. The main bodies of the State Consultative Council

The main bodies of the State Consultative Council are: The President, the Executive Bureau, the General Assembly; the permanent and ad-hoc committees; and the Secretariat General

The President

Since the third term of the S.C.C. its President has been appointed by a separate royal decree, whereas previously, the President, as a Council member, was appointed by the same royal decree that was issued to select the members of the Council, as stipulated in Article 3 of Royal Decree No. 85/81, Article 3 of Royal Decree No. 61/83 and in the royal decrees containing the amendments to the Royal Decrees on the formation of the Council.

The President of the SCC ensures compliance of the Council's activities with the regulations and laws of the country. He can seek the assistance of his deputy or of the Executive Bureau.

In general, the President supervises the progress of all activities of the Council. He opens and presides over its sessions, and announces its termination. He also chairs the discussions, giving permission for speeches, specifying the subject of discussion, and directing the member speaking to confine himself to the point under discussion. The President is also the one who announces the recommendations endorsed by the Council.

The President of the Council may invite any of the committees of the Council to convene and study any urgent or important subject, and presides over any committee meetings he attends.

Correspondence between any committee and entities outside the Council, Government or otherwise must pass through the President.

The President is also the Chairman of the Executive Bureau and presides over any committee meeting he attends by virtue of his position. He also supervises the Secretariat General, and all the financial, administrative and technical affairs of the Council.

According to Articles 9 and 10 of the Internal Regulations, which were issued by Royal Decree No. 86/81, the President of the Council shall have the same authority and power as vested in a minister or the head of a government body regarding the financial and administrative affairs of the Council and its staff, and he may assign some of his tasks or competences to his deputy. He can also assign his deputy to preside over Council and committee meetings.

If the President is absent his deputy automatically presides over the meeting and assumes the power and authority vested in the President with regard to the administration of the meeting as stated in the Internal Regulations of the Council.

Vice-presidents

Article 6 of Royal Decree No. 61/83 states that: “the expression of Vice-president wherever stated in the royal decrees regarding the State Consultative Council, shall mean either of the two deputies of the President”. As for the appointment of the Vice-president, throughout the five terms of the Council the President’s deputies have been appointees by virtue of the same royal decrees which were issued to appoint the SCC members. Thus, neither the Council members nor the President himself played any part in the selection of the Vice-presidents.

The Executive Bureau

The Executive Bureau of the Council consists of the President of the Council as its chairman, his deputy, two members from the government sector, and three members from the national sector who the Council elect through a majority of the members attending its first meeting.

The Executive Bureau is considered a key organ of the Council and its committees as it sets out plans for the activities of the Council and its committees in order to ensure an orderly progress of work. The plans formulated by the Executive Bureau are submitted to the Council for endorsement.

The Executive Bureau supervises all the activities of the Consultative Council and provides assistance to the members in practicing and exercising their tasks and duties. In addition, it provides assistance to the committees of the Council setting out the rules regulating the administration of their tasks and functions and facilitates the necessary co-ordination of their various activities according to the Regulations. It also refers subjects for study to the concerned committees and receives the results of such studies and the proposed recommendations. This bureau has the right to decide whether to submit the subsequent reports to the SCC or return them to the committee for further study.⁵⁵

The Bureau also participates and co-operates with the Secretariat General of the SCC in preparing the agendas according to the action plan formulated, and gives priority to tabling issues transferred by the Sultan. According to Article 14 of the Internal Regulations of the Council, the Secretary General must declare and notify the SCC members of forthcoming sessions at least two weeks before the convening of each session.

In addition to these competences, the Executive Bureau supervises the organisation of all the administrative and financial affairs of the SCC and acts on behalf of the General Assembly in between the Council sessions according to the system adopted by the Bureau and endorsed by the Council. The President of the SCC may invite the Executive Bureau to periodic or urgent meetings.

According to Article 16 of the Internal Regulations, the quorum of the Executive Bureau meeting is not attained unless attended by at least five members among who should be the President or his deputy. Furthermore, the decisions of the Bureau are issued by a majority of the attending members among who must be the President or, in his absence, his deputy. The Secretary General and any other SCC members may also be permitted to attend Bureau meetings.

The Secretary General edits the minutes of the Executive Bureau's meetings, which are endorsed by the President of the Council or his deputy as necessary. The Executive Bureau

⁵⁵ The State Consultative Council in four years 1985 p 21

holds one meeting each week. The required number of members required for a quorum is five, including the President or one of his two deputies. Its meetings are held in camera and attended only by its members, the Council's Secretary General and those given permission to attend.⁵⁶

The General Assembly

The General Assembly holds three sessions every year, in January, May and October. The number of meetings in each session depends upon its agenda. The quorum of the Assembly must comprise two-thirds of the members, including the President or either of his two deputies, and resolutions are passed by a two-thirds majority of attending members with the exception of some subjects where a special proviso has been issued.

The Assembly meetings are held in camera, and are attended only by the members, the Secretary General and those government officials given permission to attend. The Executive Bureau of the Council and its Secretariat General work together to prepare the agendas for the General Assembly meetings. They mainly consist of recommendations prepared by the concerned committees on topics referred to them for study by the Executive Bureau, and are passed back to the Bureau and then on to the General Assembly.

The State Consultative Council is empowered to invite ministers and other government officials to deliver statements regarding the policy of their ministries and answer any questions asked by the members in relation to such statements. During each session, the General Assembly discusses the reports and recommendations prepared by the committees and issues suitable recommendations, which are submitted by the President of the Council to the Sultan.

In the event of non-compliance with the Council's recommendations, the government authorities submit to the Sultan reports on their reasons. According to the rules governing

⁵⁶ The State Consultive Council (1981-1989) p. 44

the Internal Regulations, the members of the Council must comply with the laws of the country during their discussions and when making recommendations.⁵⁷

The committees of the Council

The SCC may form permanent or ad-hoc committees from among its members. These committees are set up by the Executive Bureau to study submitted subjects. The committees assist the Council in the practice and exercise of its functions in reference to the decree implementing its formation and the rules of Internal Regulations. Each committee consists of a chairman and a number of members from both the government and national sectors, as proposed by the Executive Bureau to ensure the proper exercise of its duties. Any member may, upon approval of the Executive Bureau, participate in more than one committee to give the benefit of his experience and specialization in specific fields of study.

In pursuance of the study of the subject referred to it, each committee may request the approval of the President to meet with the representatives of the concerned Ministers and discuss with them information relating to the submitted matter. The committees may seek the approval of the Council to pay field visits in relation to issues under study. The Executive Bureau forms permanent committees and ad-hoc committees for the purpose of studying the subjects referred to them.

The permanent committees

The permanent committees were formed, and their functions designed, with the aim of covering all the functions of the SCC. The five permanent committees are:

- 1 - The Economic Committee.
- 2 - The Legal Committee.
- 3 - The Public Services Committee.
- 4 - The Social and Health Affairs Committee.
- 5 - The Education and Culture Committee.

⁵⁷ The S. of O the S.C.C. in eight years 1989 p 43

The ad-hoc committees

The formation of ad-hoc committees depends upon the circumstances and subjects that the Council feels it is necessary to study. Such committees usually include members experienced in the field under scrutiny. The terms of reference of the committees ends with the completion of their report and proposed recommendations. The number of members sitting on ad-hoc committees is not restricted as is the case with the permanent committees. As with the Executive Bureau the meetings of these committees are held in camera and no one is permitted to attend other than the committee members and invited SCC members. The quorum of the committee meeting is not reached without the attendance of at least two-thirds of the members and decisions can only be passed by a majority of the attending members. The committees' reports must state the supporting and opposing opinions of all its attending members. The committees meet regularly each week. In addition, each committee may hold meetings with representatives of the ministries to discuss information relative to the subject under study, but must gain the approval of the President of the Council before doing so. The committees exercise their functions according to the programme fixed by the Executive Bureau. Where a committee decides to make a field visit in order to collect information, it forms subsidiary committees to carry out the visit and meet citizens and government officials.

Secretariat General

The Secretariat General of the SCC consists of the Secretary General and those who assist him such as assistant secretaries and the staff of different departments and sections of the administrative apparatus. The Council decides the form it takes as stipulated in Article 21 of the Internal Regulations. The Secretary-General assumes the tasks necessary for providing assistance and help to the different organs of the SCC in the practice of its competences according to the General Organizational Rules issued by the Executive Bureau and endorsed by the Council.

The SCC, according to the Secretariat General's proposals in co-ordination with the Executive Bureau, sets out the regulations for organizing personnel affairs. The Secretary General attends the SCC sessions, supervises all the departments of the Secretariat General

and is responsible to the President for the progress of its work. He also attends all the meetings of both the Council and the Executive Bureau. In addition, he edits the minutes of the meetings of both bodies, and announces them to the members according to the President's instructions, or those of his deputy as necessary.

According to Article 24 of the Regulations of the SCC (Royal Decree No. 86/81) the Secretary General has the same powers as are vested in a ministry Under-secretary so that he may perform his competences and supervise the financial and administrative departments of the Council.

4.6 The Council's meetings and recommendations

The quorum of the meetings

According to Article 25 of the Regulations of the SCC the quorum of the Council's meetings is not established unless there is attendance by two-thirds of the members including the President or his deputy. If there is a quorum when the meeting starts, it continues even if some of the attending members leave the hall thereafter. The decisions of the Council are to be issued by majority votes (at least two thirds of the members).

Secrecy of the meetings

The Secretary General of State Consultative Council meetings are held in camera and attended only by its members and the government officials to whom the council has given permission to attend. This procedure runs counter to the parliamentary principle that assumes the public has the right to attend meetings as spectators, unless the Council decides it is in the public interest to carry out its deliberations in secret.

The number of sessions

The State Consultative Council holds 4 sessions annually, during the first week of January, April, August and October. The duration of each session is not to exceed one week.

The quorum and the system of the meetings

The number and times of the meetings of each session are specified by the Regulations of the Council and a meeting may be adjourned to an unfixed date by the approval of the

Council. In such a case the President may fix the date of the next meeting and notify the members thereof. In urgent cases, the President may call upon the SCC to convene before the arranged date if the circumstances render it necessary. Half an hour before the meeting opens a list is made available to members to sign confirming their intention to attend. Another list is made available for them to sign at the end of the meeting, in accordance with the system approved by the Executive Bureau. Each meeting will not be opened unless attended by at least two-thirds of the members. If a quorum is not established at the opening of the meeting, the President adjourns the meeting for half an hour. If after this time a quorum is still not established, the President of the Council adjourns the meeting until a later date.

The minutes of the meeting are edited by the Secretary General under the supervision of the President, and signed by them both. The minutes are kept in the Council's Secretariat General where nobody except the members of the Council are allowed to peruse them. No member may speak at the meeting unless so permitted by the President. Nobody is allowed to speak on any subject referred to any of the committees unless the committee has submitted and tabled it except requests to expedite reports on subjects transferred to the committees of the Council. No discussions on subjects not on the agenda can take place unless so requested by the Government or the SCC President.

The right to speak and its rules

Without prejudice to any special provisions regarding priorities for speaking, the President of the Council gives permission to members who wish to speak with reference to the sequence of their applications and in compliance with the course of the discussion. However, any member who has filed an application may waive his turn in favour of another.

Officials of the Government may appear before the State Consultative Council or its committees, at their request or in response to an invitation from the Council, to deliver a statement or clarify the policies of their ministry or those of the Government. Government officials in such cases do not have the right to vote unless they are members of the council

If any member given the chance to speak delivers a speech in violation of the Council Regulations, the President has the right to withdraw the speech or prevent the member from speaking on the subject under discussion until the end of the meeting. The speaker must express his points of view while maintaining the dignity of the Government and the honour of the Council. Members should neither go beyond the subject at issue nor commit any violation to the due order and dignity of the meeting. Only the President may interrupt the speaker or make any remark. The President has the right to interrupt a member who is speaking and draw the attention of the speaker, at any time, to any violation committed by him.

The President may decide to exclude from the minutes any part of a speech delivered by Sate Consultative Council member in violation of the rules of the Council Regulations. Any member may request clarification of a particular matter and hear the reply from a government official, who delivers a statement at his request or in response to an invitation from the SCC, provided the clarification is in respect of an important issue of public interest. According to Article 41 of the Internal Regulations, the SCC may recommend, by a two-thirds majority, the dismissal of any member who violates his obligations; the President then submits the recommendation to the Sultan for his final decision.

The voting on recommendations

Voting on subjects (recommendations) under discussion is undertaken in two ways by raising hands, or in the case of an unclear result the members' names are called one by one, and each member expresses his view regarding the subject put forward for voting.

The voting and announcement of recommendations

Voting at the meetings is done either by the raising of hands or by any other means determined by the Council. In the case of a failure to obtain a clear result by this method the calling of members' names carries out voting. The President announces the decision of the SCC according to the result of the vote to the members, and comments on the decision

then made. The President also announces the end of the meeting and the date and time of the next meeting.

The minutes of the meeting

The Secretariat General of the State Consultative Council edits the minutes of each meeting. All procedures, subjects, decisions and recommendations are put into writing and the Secretary General takes appropriate measures to maintain the confidentiality of these minutes. The Secretary General distributes copies of the minutes to each member within two weeks of the meeting and the President submits them to the Council for endorsement in its next session. The minutes are signed by the President and the Secretary General and kept as part of the Council's records. No application for a correction to the minutes may be made after its endorsement by the Council.

The members' rights and duties

The royal decree issued on the appointment of members, the selection of the President of the Council and his deputy and the Secretary General specifies their different rewards and allowances. Any measure to be taken against a member during the SCC session must first be communicated to the President of the Council. The SCC members must attend the Council and its committee meetings regularly. In the case of absenteeism, the member in question must inform the President, or committee chairman, of the reason for his absence. Any member who is obliged to leave the Assembly Hall or committee chamber must first seek permission from the President, or committee chairman. No member shall behave contrary to the rule of law or the above regulation, whether inside or outside the Council. All members shall pay due respect to the State. In all cases the SCC members should refrain from exploiting their status to procure private privileges, and also from raising any issue to the Council relating to his private interests.

4.7 The Council's affairs

Keeping order in the Council

According to Article 53 of the Internal Regulations of the SCC, the Council shall solely maintain order inside the Council and the President must specify in co-ordination with the competent authorities the necessary security measures in this respect.

Nobody is allowed to enter the Council premises except by special permission. Those with such permission should follow the instructions given to them by the concerned authorities; otherwise they subject themselves to being expelled from the building.

The Council budget and accounts

The State Consultative Council's budget is independent from the State Master Budget. The Executive Bureau prepares all the different items and means of expenditure that are submitted annually to the Council for approval, it is then passed to the Sultan himself for endorsement.

The Executive Bureau formulates the organization of the accounts, means of expenditure, inventories, and any other matters regarding the financial affairs of the SCC. The Council is solely responsible for the control of its accounts and is not subject to the supervision of any other authority. Nevertheless, the SCC President may seek assistance from the Audit Department in preparing and submitting a report to him of the accounts of the Council, implementation of the budget, or any other financial affairs of the Council, as is promulgated in Article 57 of the Internal Regulations.

Final rules

In the context of the Internal Regulations of the State Consultative Council, the Government has in mind the ministries represented in the Council or otherwise by Ministers, Under-secretaries and those who are nominated to attend the Council sessions.

No issue can be submitted to the Government, or be included on its agenda, before the fulfilment of all its details, information and related studies, with the exception of statements which are submitted to the Council by Ministers or by other representatives of the Government regarding the plans of that ministry or the Government.

The Executive Bureau prepares the issue to be tabled before the SCC along with said details and information, and makes it available to each Council member before the session, in ample time for it to be considered, as determined by the work regulations. The Secretariat General of the SCC distributes the details, information and studies with the agenda of the specified session, unless otherwise advised by the President for reasons he should declare to the Council during the session. As is stipulated in Article 61 of the Internal Regulations, promulgated by Royal Decree No. 86/81, the Internal Regulations of the Council cannot be amended except by royal decree as proposed by the Executive Bureau, and such proposals must include the article to be amended and the reasons for the proposed amendment. In addition, the President must submit proposals to the SCC, and issue any recommendations concerning the Council itself.

4.8 Amendments

Royal Decree No. 37/84

Several amendments to the number of sessions held by the State Consultative Council were made via the above royal decree, especially regarding the number of SCC sessions and its procedures. Article 1 amended Article 8 of Royal Decree No. 84/81 as follows: ⁵⁸

“ The State Consultative Council shall hold at least three ordinary sessions every year to review the agenda prepared by the Secretariat General in co-ordination with the Executive Bureau of the Council and the Executive Bureau shall handle the Council’s activities in between the sessions of the Council. The Council may form permanent or ad-hoc committees from among the members of the Council to study subjects referred to it.” It should be noted that before this amendment, the number of ordinary sessions held annually by the SCC was at least four.

Article 2 amended Article 28 of Royal Decree No. 86/81 as follows:

“The Council shall hold three sessions annually during the first week of January, May and September.” Before this amendment, the State Consultative Council held four sessions annually during the first week of January, April, August and October, the duration of which

⁵⁸ The Royal Decree No. 37/84

did not exceed one week. The Council Regulations specify the number and times of the meetings to be held during each session. A meeting may be adjourned by Council approval to an unfixed date. In such a case the President fixes the date of the next meeting, and notifies the members of the fact. However, the President may, in urgent cases, call upon the Council to convene the meeting before the fixed date if circumstances make it necessary.

Additional period Royal Decree No. 89/85

Authorisation of the continuation of the State Consultative Council in its present format for an additional period under Article 1 states that: *“the State Consultative Council shall continue acting in its present form until the end of the month of December 1985”*. The added period was of approximately two months. Without this addition the period would have finished in October 1985, when the SCC members had completed their membership period of two years. However, each member may be reappointed for further periods, according to Article 4 of Royal Decree No. 84/81 on the formation of the SCC, which stipulated that the duration of Council membership be two calendar years from the date of appointment, and that the membership may be reappointed for one term or more.

Amendments Royal Decree No. 102/85

Amending articles regarding the formation of the State Consultative Council and its Internal Regulations under Article 1 stipulates that Articles 2, 3, 4 and 5 of Royal Decree No. 84/81 should be amended as follows: ⁵⁹

“The Council shall be formed with a President for whom a special royal decree shall be issued regarding his appointment and the determination of his remuneration, and of members from both sectors, government and national, to be selected from among people of experience and wisdom, who represent all citizens, and the members of the Council, including the president, shall not exceed fifty-five.”

Before this amendment the members of the Council could not exceed forty-five and were divided into: Seventeen members representing the government sector and twenty-eight representing the national sector, of whom 11 members represented the private sector and

⁵⁹ the Royal Decree No. 102/85

17 the regions (Article 2)

Article 3 (a) stipulates that: *“a special royal decree shall be issued regarding the appointment of members, the selection of two Vice-presidents and the determination of their remunerations.”* There was only one Vice-president before this amendment.

Article 3 (b) stipulates that: *“a special royal decree shall be issued regarding the appointment of a Secretary General to the Council, and the determination of his remuneration.”* Before the above-mentioned amendments the paragraph read: *“a special royal decree shall be issued regarding the appointment of members, the selection of the President, his deputy and the Secretary General of the Council, and the determination of their rewards.”*

Article 4 stipulates that: *“the duration of Council membership shall be two years starting on the 1st January of the first year of appointment and ending at the expiry of the month of December of the second year.”* The duration of State Consultative Council membership as it was remains the same, it had previously been two years as of the date of appointment, and reappointable for further terms.

The period of membership started in October of the year of appointment and ended in October of the second year (approximately twenty-four months). However, the exact starting and finishing dates were not the same for each terms, as was the case after the amendment, because they were dependent on the date of the royal decree that was issued regarding each new period.

Article 5 stipulates that: *“the Executive Bureau of the State Consultative Council shall consist of the President of the Council as its President, the two Vice-presidents, two members representing the government sector and three representing the national sector who shall be selected by a majority of the members attending the Council’s first session.”* In the first term there was only one Vice-president, a member of the Executive Bureau, but

since the second term which started in October 1983, there have been two vice - president, according to Article 3 of Royal Decree No. 61/83.

Article 2 amends the first paragraph of Article 28 of Royal Decree No. 86/81 as follows:

“ The Council shall hold three sessions annually during the first week of January, May and October, and the regulations of the Council shall specify the number of the meetings and the times they are to be held during each session... ” Before it was amended this paragraph read: *“the Council shall hold three sessions annually during the first week of January, May and September.”*

Article 3 stipulates that: “all the previous articles inconsistent with this royal decree shall be repealed”

4.9 Conclusion

A detailed description of its functions has shown that the SCC was a represented a mixed body of sectors: the Government sector, National sector, Private sector and the regions. The government sector members of the Council consisted of two groups: the Under-Secretaries of the Ministries represented in the Council as ex-officio members and Government officials who sat as representatives on the Council in their personal capacities.

The number of representatives in each sector differed each term. The government membership continued in the same format throughout each of the council periods in respect to the government and private groups - although with some differences as regards the names of the members from each sector. The members were not represented in the *wilayats* of the Country (*as in the case of the current Majlis A' Shura*) and it was a fully appointed body.

It can be seen from an analysis of a selection of the membership and their distribution from the different sectors that no important changes occurred during these periods and that there was nothing striking or innovative regarding the process of the Council's formations or its functions during the different stages of the Majlis. The formation of the Council, and the

number of its members remained essentially the same throughout the five terms with very few exceptions, which are hardly worth mentioning.

The General Assembly of the Council holds three sessions in January, May and October every year, and the number of meetings in each session depends upon its agenda. The quorum of the Assembly must comprise two-thirds of the members, including the President or either of his two deputies, and resolutions are passed by a two-thirds majority of attending members with the exception of some subjects where a special proviso has been issued. The Assembly meetings are held in camera, and are attended only by the members, the Secretary General and those government officials given permission to attend.

The Executive Bureau of the Council and its Secretariat General work together to prepare the agendas for the General Assembly meetings. The agendas consist mainly of recommendations prepared by the concerned committees on topics referred to them for study by the Executive Bureau, and are then passed back to the Bureau and then on to the General Assembly. The State Consultative Council may invite ministers and other government officials to deliver statements regarding the policy of their ministries and answer any questions asked by the members in relation to such statements.

Once the General Assembly has discussed the reports and recommendations prepared by the committees and issues suitable recommendations, they are then submitted by the President of the Council to the Sultan. In the event of non-compliance with Council recommendations, the government authorities submit to the Sultan reports on their reasons. A discussion of the functions of the State Consultative Council shows that it was restricted in discussing and giving opinions in the areas of economic, social affairs, proposed steps and procedures in the field of development with the objective of increasing national production, which had not been tackled by the Government, but, which the Sultan wished to refer to.

We have noted that the function of the Council is to participate in the efforts of the Government in its economic and social plans by formulating opinions and giving advice on

these matters and on the development of the country. (The members of the Council *must comply with the laws* of the country during their discussions and when making recommendations)⁶⁰

Clearly, the State Consultative Council was established not to initiate any new issues or laws in any particular field or on any general matters or important subjects; but is merely to provide advice on social and economic issues for the Government when needed rather than represent any other sort of constituency.

Regardless of the limited abilities of the SCC, its general deficiencies, and its lack of power, its establishment was considered at the time to be a small and simple step forward along the road toward the recognition of the citizens' right to political participation and their important role in the whole developmental process. It was the first response from the Government to internal and international pressure for political openness and reforms, and an opening of the way to political and public participation in the future.

For these reasons the establishment of the SCC is significant in being the first institution of political reforms albeit at a low level. Furthermore the SCC formed an entrance to the establishment of the two chambers of the Council of Oman - the Majlis A'Shura and the Majlis A'Dowla. The SCC continued to function in line with government policy until the Sultan declared its replacement by the Majlis A' Shura.

Chapter 5 discusses the Majlis A' Shura, considered a relatively more advanced step than the State Consultative Council (SCC). Majlis A' Shura members later became in 2003-2007 an elected body except for the president of the Majlis who is still appointed by royal decree.

⁶⁰ The S. of O the S.C.C. in eight years 1989 p 43

Chapter 5

The Establishment of the Majlis A' Shura The Consultation Council - 1991

5.1 Introduction

The changes in development in the Oman that have been put into place since the 1970's, have not done enough to further differentiate society as a whole. They have however, created largely new and interrelated classes - senior government officials (or bureaucratic elite) and a new-capitalist merchant class. It can be argued that the continued strength or durability of the post-tradition state is due in a large part to both old and new elites who derive considerable benefit from the status quo and, conversely, who have the most to fear from 'modernization' and real major change, because it threatens their status and privilege. As a consequence, elites are hostile to any significant transformation in the nature of the existing system and society.

The first and second Gulf wars with all its impacts on different areas meant the whole political system could not remain unaffected in any region. Each country withinin the region has had its on experiences.

The regional and international storms brought new winds of change, among them indisputable political marks left on the region by the second Gulf. The collapse of the Soviet Union without forewarning, the end of the cold war, meant new forces of political change were pushed forward in the Eastern Europe Countries which were in alliance with the Soviet Union. The geopolitical plan of the region underwent tremendous changes particularly in the aftermath of events following the Iraq-Kuwait war of 1991 along with world change.

Various factors were involved in driving changing. On the one hand there was the role of domestic actors and other environmental factors. On the other hand, Oman was not immune to transformations and changes that were happening in politics, economics, technology, social factors, urbanization, the characteristics of society, and education. These factors plus regional and international factors such as rising economic pressures and globalisation and conditions of the International Monetary Fund (IMF), combined with the desire of the Sultanate to enter of the World Trade Organization (WTO)

These factors forced and promoted a mode of change and reform in the country even in simple practice. This was seen as a response to the internal and new international reality marked by several changes at all levels.

The Omani experience was relatively developed through the engagement of a representative platform and the widening membership of the new council, Majlis A' Shura. In 1991 the Sultan issued Royal Decree No 94/91 pertaining to the establishment of the Majlis A' Shura, to replace Al-Majlis El-Isteshary Lil Dawlah (the State Consultative Council).

The new council started with three main changes: (1) Non-governmental representatives; (2) Representation through the wilayat instead of through the original three sector representation as in the State Consultative Council 1981-1990; and (3) New styles of choosing the candidates. The new representative council consisted of the representatives of the fifty-nine wilayats, and was based on population numbers.

A candidate for membership had to hold Omani nationality, not be under 30 years old, be of high esteem and of good reputation, and should not have been convicted of any offences of dishonesty unless they had been granted a judicial pardon. Candidates also had to be reasonably well educated, and have appropriate experience.

Each member of the Majlis must give up any other official post. The establishment of the Majlis A' Shura, regardless of its deficiencies, its lack of power and functions and any real

public representation, can be considered as a significant step forward, or at least a step in the direction of a consideration of the principle that the citizens have a right to participate in public affairs and matters that concern their interests, and to consider the future of their country.

Consequently, the government established the Majlis A' Shura to mitigate accumulated internal tensions and to utilize it as a preemptive measure to forestall any additional pressures coming from within and from without. This was seen as a response to the internal and new international reality marked by several changes in all levels.

5.2 Changes in the Majlis A' Shura

Non -governmental representatives

An important difference between the two councils is that there are no direct representatives of the Government sitting as ex-officio Majlis A' Shura members, as was the case with the previous Council. However, with the new Council, the Government made the final decision regarding the selection of members from among the candidates nominated by the citizens. This aspect is discussed in more detail at a further point.

Choosing candidates

In the first term, the Sheikhs (the leaders of the tribes), and others who were identified by the Government for the purpose, nominated three candidates, and then one out of the three nominees was selected by the Government to be a member of the Shura Council. All the members selected by the Government during the first three terms were announced via royal decrees, with the choice of President being announced by a separate decree, as he was not from among the nominees.

Since the fourth term (2001-2003), there have been some changes in the regulations and procedures regarding the selection and declaration of the members of the Majlis A' Shura. The new procedures may be described as progress in comparison with the previous three terms.

The most significant change - since the fourth term - is that the candidates who acquire the highest number of votes are considered as members of the Shura Council and representatives of their wilayats without any direct intervention from the Government, as was previously the case.

The President of the Majlis A' Shura is still appointed by a royal decree and is chosen from outside the members of the Majlis, while the two Vice-presidents are elected, by a secret ballot, from among the members of the Council during its first session

Representation of the wilayats

In 1991, during its first term, the Majlis A' Shura was comprised of fifty-nine members, representative of each of the wilayats. Subsequently, the number of wilayat representatives has been determined by the size of the population of each wilayat. In particular, this has been the case since the second term of the Majlis A' Shura (1994) and began as a result of the 1993 National Census of the population, housing and establishments. Article 2 of Royal Decree No. 94/91 gave the right to wilayats with a population of 30,000 or more to be represented by two members at the Majlis A' Shura.

The General National Census (1993) showed differences between the wilayats, especially with regards to the size of population. The Government therefore needed to find a suitable way to create a balance between the different *wilayats'* representation.

There is no requirement for the members of the Majlis to be named by royal decree. Since the fourth term, after counting the votes of the (limited) election, the results were announced directly by the Minister for the Interior, according to the new procedures and Internal Regulations, without the need to wait for a royal decree to name the members of the Majlis A' Shura, as was usual in the previous terms.

During the first four terms there was only a limited increase in the size of the electorate. The Government did not allow the citizens, even those who complied with the legal conditions, to choose the representatives of their *wilayats*. It is only since the fifth term

(2003) that all citizens aged 21 years and over have been given the chance to practice their constitutional rights regarding the election of their representatives to the Majlis A' Shura.

5.3 The Terms of the Majlis A'Shura

5.3.1 The first term (1991-1994) ⁶¹

On 3 February 1991, the Sultan issued Royal Decree 6/91 regarding the administrative division of the country specifying the regions and dividing the Sultanate into fifty-nine *wilayats*. It was announced that one of the aims of this administrative division was to facilitate many of the services and procedures. This is considered to be another step to arrangements for representation at the Majlis A' Shura and its nominations.⁶²

According to Article 2 of Royal Decree No. 94/91, issued in the first term of the Majlis A' Shura, each *wilayat* was given the right to nominate three of its citizens as candidates for the Majlis A' Shura. The process of nomination was carried out by the Sheikhs of each *wilayat* and one of the candidates was then selected by the Government to become a member of the Majlis A' Shura.

Article 2 stipulated that:

- a) "Each *wilayat* shall nominate three citizens...."
- b) "Only one of the three nominees shall be selected for membership of the Majlis A' Shura"
- c) "The names of the selected members shall be declared via royal decree"

There were 177 candidates in the first term (three candidates from each *wilayat*) and the Government selected one third of them for membership to the Majlis, a rate of one member for each *wilayat*.

5.3.2 The different styles of nomination in the first term

During first term there was no one style of procedure specified by the Government for the operation of nominating candidates. Moreover, there was no specific date announced by the

⁶¹ Majlis A' Shura documents of establishment 1992 page 19

⁶² abdu hamed almuwafi. Oman bena al dawlah al haditha, 2002 p286

Government by which all the *wilayats* were to make their nominations. Because of this, the nominations in the first term of the Majlis A' Shura were generally conducted in three different ways developed by the citizens themselves.

Nomination by agreement

In some *wilayats* the nominees or candidates for Majlis A' Shura membership were chosen by an agreement between the Sheikhs after extensive discussion and dialogue.

Nomination by secret ballot

In some *wilayats* the nominations were made by secret ballot. A committee, chosen by those present, counted the votes and announced the three names that had acquired the highest number of votes.

Nomination by committee

In a number of other *wilayats* a committee, acceptable to all those who attended the nomination sessions, was established. This committee nominated a number of people according to certain criteria, then each person attending the session cast his vote for one of the candidates in a secret ballot and the winners were the three who got the highest number of votes.⁶³

These procedures are considered as the first stage in the development of the nominations process. It was only a first stage because the most important and final decision of choosing representatives was not directly in the hands of the citizens in free elections as of right; the final decision was in the hands of the Government with its selection of one of the three candidates.

Thus, the Government had given itself the right to make the final decision in the selection of the *wilayat* representatives. The duration of membership of the Majlis was for three years, renewable for further terms. According to Article 2 of the Royal Decree No.94/91:

⁶³ M. of Information, Oman years of achievements p. 125

*“The term of membership shall be three calendar years and shall be renewable to another term or more according to the respective procedures”*⁶⁴

5.3.3 The second term (1994-1997)

The following two important changes were made at the beginning of the second term of the Majlis - an increase in the number of Majlis members and the participation of women in the Majlis A' Shura membership

Increasing the number of Majlis members

In the second term of the Shura Council, taking into account the results of the first National Census (1993) of the population, housing and establishments the National Census had not only provided a depiction of the demography of the country, but also enabled the Government to review the system of representation as it had applied in the previous period, and should be considered in any future Government plans or projects for the country.

The census showed that there was an imbalance between the *wilayats*, with regards to representation at the Majlis A' Shura, because of the differences in size of population. Clearly, some *wilayats* were bigger than others and some were more densely populated, it was therefore unjust for each *wilayat* to be represented by the same number of members in the Majlis A' Shura.

Royal Decree No. 94/91 (and its amendments) was issued increasing the number of members of the Majlis A' Shura from fifty-nine to eighty. This expansion was based on the size of the population of each *wilayat*, according to the National Census.

The concerned authorities, through amendments and procedures, tried to reflect the size of the population of each *wilayat*, as far as possible in their representation at the Shura Council. With this in mind Article 2 stipulated that each *wilayat* with a population of

⁶⁴ Article 2 of the Royal Decree No.94/91

30,000 or more would be represented by two members, While the *wilayats* with less than 30,000 remained represented by one.

Subsequently, all *wilayats* with a population of 30,000 or more nominated four of its citizens as candidates, with two of them being selected by the Government for membership of the Majlis, whereas the *wilayats* with a population of less than 30,000 nominated two of its citizens as candidates, with the Government appointing one of them to represent the *wilayat* at the Shura Council. The names of the members selected for the Majlis A' Shura by the Government were declared via royal decree in each new period.

It is worth noting that if the population of a *wilayat* grows to 30,000 or more at a later date it may be represent by two members at the Majlis A' Shura. The Minister for the Interior, in co-ordination with the concerned authorities, issues, before the start of a new term, a candidature classification statement for each *wilayat* regarding the size of their population.

In spite of the concerned authorities' attempt at creating a balance as regards the representation of the *wilayats*, it can be said that there is still no real balance, not only in terms of their representation at the Majlis A' Shura, but also in many other matters. It is clear, for example, that there is no balance between the *wilayats* in regard to such things as plans and projects to do with development. No doubt, these subjects are worthy of more of concern and attention and should be given higher priority.

In the second term, there were twenty-one *wilayats* with 30,000 or more citizens which qualified to be represented by two members in the Majlis A' Shura. On the other hand, in the same term, there were still thirty-eight *wilayats* represented in the Council by only one seat, their population being less than 30,000. The total number of representatives from the two groups reached eighty in the second term, as well as the President of the Council who was appointed by a separate royal decree.

As mentioned above, each of the thirty-eight *wilayats* that still only had one member had the right, if its number of citizens reaches 30,000 or more at some time in the future, to be

represented by two members in the Shura Council. This in fact happened in the third term (1997-2000) when two *wilayats*, Quriayt and Al Buraimi, joined the category of *wilayats*, which had the right to be represented by two members because of the size of their population. Again, in the fourth term, the *wilayat* Izki's population increased allowing it more representation; there were no such cases during the fifth term (2003-2007). The total number of members of the Majlis A' Shura at the end of the fifth term was eighty-three.

According to Article 2 of Royal Decree No 94/91 and its amendments, any change in the categories of the *wilayats* concerning the representation by one member or two at the Majlis A' Shura, depends on the Minister for the Interior who has to provide a report about the population in each *wilayat* in due time before the beginning of a new term, in co-ordination with the concerned authorities. It is worth noting that the growth rate of the population in Oman is over 3 % a year.

5.4 Representatives of the governorates and regions

According to the new administrative division⁶⁵ of the country, the Sultanate of Oman was divided into several governorates and regions, and each one of these divided into numerous *wilayats*, which consists of a number of Niyabat and administrative centres.

The Governorate of Muscat

Eleven members represented the six *wilayats* of Muscat governorate two of them were women, five members more than the first term

The Governorate of Dhofar

Ten members represented the nine *wilayats* of the Dhofar governorate; two members of them represented *wilayat* Salalah.

The Governorate of Musandam

Four members represented the Musandam governorate, which consists of four *wilayats*, the same number of members as before.

⁶⁵ the royal decree number 6 / 91 witch issued on 3rd of February 1991

Al - Batina region

Twenty members represented Al-Batina region, which comprises of twelve *wilayats*, eight members extra than before.

Al - Dakhilia region

Eleven members represented Al Dakhilia region, which comprised eight *wilayats*, three members more than in the first term

Al -Sharqia region

Fourteen members represented Al -Sharqia region, which consists of eleven *wilayats*, two members more than before

Al - Dahira region

Six members represented Al-Dahira region, which comprises of five *wilayats*, one member extra than before.

Al -Wusta region

Four members represented Al-Wusta region, which consists of four *wilayats*, no changing in the number of members.

5.5 Nominees and Nominators

Changing the number of nominees

As discussed above, in the first term the number of nominees chosen by the citizens of each *wilayat*, before the selection made by the Government, was three; the Government then selected just one of these to become a member of the Shura council. Article 2, paragraph (a) of Royal Decree No. 94/91 stipulated that: “each *wilayat* shall nominate three of its citizens...”

Only one of the three nominees would be selected for membership of the Majlis. In the second term the number of nominees chosen by the citizens was changed from three to

either two or four, depending on the size of the population of the *wilayat*, the Government then selected either one of the two, or two of the four for Majlis membership.

The minimum number of nominators

In the second term the Government specified the minimum of nominators of Majlis A' Shura candidates, in each *wilayat*, as no fewer than one hundred people attending the nomination session. Although this number is arguably small, it should be noted that no minimum number of nominators was stipulated in the first term of the Council. In the previous term the Walis of each *wilayat* would send out invitations for the Sheikhs to nominate the candidates, and the session would be held in the presence of the invitees who attended.

The final decision

There was no maximum number of votes required in the nominations process. The nominee with the highest number of votes would be considered a candidate of his *wilayat* at the first stage, before the final selection was made by the concerned authorities to be member of the Majlis from among the nominees, without any consideration of the citizens' choice; the Government did not have to select the nominee with the highest number of votes, i.e. it was not bound by the choice of the citizens. The concerned authorities have the final power to decide and select the members of the Majlis A' Shura, and the Sultan may also do this when he decides to, via a royal decree. The Sultan himself has the right to appoint the President of the Shura Council and may issue a separate royal decree for this purpose.

The citizens do not nominate the President, the Sultan chooses him from another source, while the two Vice-presidents are selected from among the Council members in the first session. The two separate royal decrees concerning the members of the Council and its President are issued in the Official Gazette with the specific and enforceable date of implementation.

It can be seen that a few changes were made and new procedures introduced at the start of the second term of the Majlis A' Shura. These included the representation by two members

for *wilayats* with a population of 30,000 or more, a small increase in the number of nominators, the participation of women in the Majlis A' Shura for the first time, the reduction in the chance of the Government to choose the members of the Council from nearly 66.3% to 50% while, the chance of the citizens to nominate their representatives rose from 33.3% in the first term to 50%, a choice between two candidates for the membership of the Council in the second term, instead one of the three nominees in the previous term.⁶⁶

In spite of these changes being limited, they are considered as representing some progress and also as an indication that the Government may in the future be prepared to give the citizens a greater chance to choose their representatives for the Majlis A' Shura and participate more in the whole process. Moreover, these changes increased relatively the confidence of the citizens regarding their natural right to choose the *wilayats'* representatives directly in the future although this right still (at that time) in hand of the Government.

5.6 Two women in the Majlis A' Shura

According to the first General Census of the population, housing, and establishments (1993), women accounted for 49% of the Omani population. As a result of this finding, and for other reasons, the concerned authorities began to think of ways of giving women greater opportunities to participate in some political and social fields.

As an experiment in the second period (1994-1997) of the Shura Council, a number of women were permitted to stand as candidates and nominators in *six wilayats* of the capital region. This experiment started in the Governorate of Muscat, because it was considered to be more open and socially developed than other regions.⁶⁷

Two of these women were nominated by the citizens of their *wilayats* as candidates for the Majlis A' Shura. The two women were then selected by the Government for Majlis membership for a period of three years, this being the usual length of the Shura Council

⁶⁶ Asem Rashwan, *tagrebha A' Shura Al Omania* 1992. p. 175

⁶⁷ Abdul hamed almwafi, *Oman binaa adawlah al hadith*, p. 305

during its first four terms, before the amendments which occurred regarding the duration of Majlis A' Shura periods in the fifth term (2004).

5.7 The third term (1997- 2000)

During this term there were three important changes: the issuing of the regulations and procedures of the nomination, the specification and increase in the number of nominators, and the joining of more *wilayats* to the category of represented by two members in the Majlis.

Several new and positive points regarding the regulations and procedures for the Shura Council were created and issued in the third term, but some of the previously unpopular rules remained, such as the Government's selection of the members of the Majlis.

5.7.1 The nominators

One of the simplest developments in the third term was a small increase in the number of nominators with the right to nominate candidates for the Shura Council. The Government specified that 51,000 citizens, male and female, aged twenty-one years or over, throughout the country could be nominators before the final choice being made by the Government. This specification by the government in regards to the number of nominators was based on having one nominator per thirty-five citizens, aged twenty-one years or over, in each *wilayats*, with a minimum number of 250 nominators per wilayat.⁶⁸

It should be noted that this criterion had not been applied in the two previous terms. In this period there was also an increase in the number of citizens who competed for the membership of the Majlis A' Shura. Of the 736 candidates across the country twenty-seven (27) were women. The candidates competed for eighty-two seats, an average of nine candidates per seat.

⁶⁸ s. of Oman, Majlis A' Shura structure and main organs (1997-2000) 2000 page 14

The number of seats in the Majlis was increased from eighty per term to eighty-two when two of the *wilayats* (Al - Burimi and Quryat) entered the category of *wilayats* represented by two members because their populations had increased to 30,000 or more. Thus, in the third term, the number of *wilayats*, which were represented by two members had reached twenty-three, whereas thirty-six *wilayats* are still represent by one member only. In this term the Government retained the right to choose the members of the Majlis A' Shura.

Clearly, this selection of Majlis A' Shura members works against the volition of the citizens regarding their representation at the Council, because the Government may choose a member according to its own views, regardless of the number of votes he has received from the citizens.

5.7.2 Women's participation in the third term

As mentioned above, the first experiment in the participation of Omani women as nominators and nominees at the Majlis A' Shura elections was started in the second term (1994-1997), in the six *wilayats* of the Governorate of Muscat. The participation of women was subsequently introduced in several regions and *wilayats* in the Sultanate in the third period of the Majlis (1997-2000).

Twenty-seven women were at that time registered and declared themselves as candidates for membership of the Majlis A' Shura in several of the *wilayats* and Governorates. However, only two of them were successful. It should be noted that the two women who attained membership of the Majlis A' Shura in the third term (1997-2000), were the same two who had sat on the Council in the previous term (1994-1997).

5.7.3 The regulations and procedures issued in the third term (1997-2000)

In contrast to the two first terms, the third term saw several new procedures and regulations for the organization of the election of the Majlis A' Shura, such as: The formation of a ministerial Central Committee to supervise and organize the nomination operations in the *wilayats*; The formation of sub-committees under the control of the Central Committee to organize and supervise the nominations in each *wilayat*; The announcement of a specific

day for the nominations to take place across the country; The announcement of a specified period of time during which voting can take place (7.00 am – 7.00 pm) across the whole country.; and The appointment of several judges as heads of the nomination Centers.

According to the Minister of Interior Decision No.128/97 which issued the by-law for organizing the Majlis A' Shura candidatures, there are numerous other steps and stages to the procedures of nomination, which it is necessary to follow, before the government makes its selection of the Majlis members in the final phase of this operation. (1997-2000)

5.7.4 One day for election throughout the country

This was the first time that the nominations process was carried out on the same day throughout the country. The Minister of the Interior decided that Thursday 16 October 1997 was to be the day of the election as regards the nominations operation, and would be designated Nomination Day across the country. According to Article 24 of the bylaw the Minister could allow for authorization of a different specified day for voting if it was necessary for the safety of a particular *wilayat* and in the public interest.

This was also the first time that the process of voting by secret ballot using ballot boxes was practiced throughout the country, as it had become obligatory by way of the Ministerial Decision.

In this term only one system was applied in all different wilayates and regions of the Sultanate. Previously, several different methods were used, developed by the citizens of each wilayat themselves, because an absence of any general system or method specified by the Government during the two previous terms. Despit the secret ballot was the most prevalent method was used in the second term, but it was not obligatory until the third term.

5.7.5 The time of voting

According to Article 25 of the bylaw, the nominations must take place on the same day at all *wilayats* throughout the country. The Decision also specified that the time of voting should be from 7.00 am until 7.00 pm of that day. However, the same ministerial Decision

included some flexibility, and if necessary the chairman of the local nomination committee could extend the voting time until 9.00 pm where there is justification and reasonable reports.

5.7.6 Two votes for some wilayats in the third term

In the third term (1997-2000) each voter in the *wilayats* with a population of 30,000 or more was given two votes and could choose two out of four nominees, each voter had the right to vote for two of the candidates. Then from among the four candidates who gain a majority of the votes in each *wilayat* the concerned authorities selected two candidates to represent their *wilayats* at the Majlis A' Shura.

In the same term, the wilayats with a population of less than 30,000, each voter had only one vote, the two who obtained the highest number of votes among the candidates were delivered to the concerned authorities to choose one of them for membership of the Shura Council as a representative of his wilayats. The system whereby some *wilayats* had two votes was introduced in the third term (1997-2000) as one of several new procedures, practiced for the first term, vis-à-vis the nomination of candidates for the Shura Council.

In the fourth term (2000-2003), the two-vote system was not practiced, each voter had only one vote and could only vote for one of the candidates, irrespective of the size of the population of the *wilayat* or the number of candidates, because in this term there was no selection of the members by the Government, the elections were conducted in one phase only. Accordingly, the candidate who obtained the highest number of votes won the right to be a member of the Majlis.

5.7.7 Sub-committees

Sub-committees were formed in the wilayats in addition to the main Central Committee of the Ministry of Interior. The main aim of the sub-committee in each wilayat was to organize and supervise the nomination process under the control of the Central Committee. Its tasks were to carry out the rules and regulations as defined by the Central Committee, which organizes and supervises the nominations process throughout the country. The

Central Committee also declares the nominations in light of the results delivered to it by the sub-committee of each wilayat after the votes have been counted and the results finalized.

One of the roles of the local committee is to prepare and register the names of the nominators who will participate in the choice and nomination of the candidates for the Shura Council. The committee must make sure to complete the final procedures in this regard in time for Election Day.

5.7.8 The nomination's applications in the third term

The nomination's applications were submitted to the concerned committee in each wilayat, the committee would then confirm its acceptance or rejection of applications after examining them subject to the required conditions.

Objections regarding the preliminary list may be voiced before the nomination committee of the wilayat. The committee then issues its judgment and those interested may appeal against the committee decision before the Central Nomination Committee in the Ministry of the Interior by the specified time (within 3 days as from his notification of the decision). The Central Committee then issues its judgment regarding appeals, and the final lists of nominees are sent to the wilayats.⁶⁹

The names of those who are eligible to vote in their *wilayat*, in accordance with the new procedures for nomination, are prepared by the *Walis* of each *wilayat* in separate lists. The lists must include the names of the citizens who are permitted to vote as well as their place of residence and passport number. The lists are then forwarded to the Central Committee within a defined time.

Numbered electoral cards are issued to each one of those entitled to vote in each *wilayat*. Hence, each nominator receives a numbered electoral card detailing his/her name, tribe, date and place of birth, passport number, area of residence, place and number of registration, and date of the issuance of the card.

⁶⁹ S. of Oman Majlis A' Shura s. m. organs, 1997 p. 16

5.7.9 Nomination as a personal right in the third term

There are specific conditions that must be met by those voting in the nominations of the Majlis A' Shura. These conditions are listed in the regulating by-law. This by-law states that nomination is a personal right, which cannot be delegated to another or transferred through power of attorney. Furthermore, Article 3 states that the nominators can only vote at the station specified on their electoral card.

5.7.10 The Central Nomination Committee (the third term)

A Ministerial Decision established the Central Nomination Committee, which guides and directs the nomination process throughout the country. The Minister of Interior must issue the Decision and the Committee itself is headed by the Under-secretary of the Ministry of the Interior.

One of the tasks of the Central Committee is to review and check the lists of names and return them to the wilayat committees after having approved them, a Ministerial Decision, taken by the Minister for the Interior also established the local nomination committees in each wilayat. Each local committee is headed by the *Wali* and comprises a judge, a deputy *Wali* and two other members, and the members of this committee must not be from the concerned wilayat.

The regulations and procedures allow any Omani to stand as a candidate, if he/she is of Omani nationality by origin, a citizen of the wilayat in which he/she stands, not less than thirty years old, a person of good standing and reputation in his/her wilayat, having attained a reasonable level of education and having suitable practicable experience.

There is no specified majority of votes necessary for the citizen to acquire to become a candidate for Majlis A' Shura membership, each needs only to get a high number of votes in his wilayat before the final selection is made by the Government.⁷⁰

⁷⁰ S. of Oman M.Shura the main organs 2003 p. 18

The Government is not obliged to choose the candidate with highest number of votes.

According to Article 2 of Royal Decree No. 94/9, as previously, the Government was not restricted in its selection of Majlis A' Shura members, or obliged to choose the candidates who had gained the highest number of votes, as direct election was not introduced until the fourth term (2000-2003). Thus, the Minister for the Interior at the time confirmed that: "the chances of a fourth candidate are the same as the chances of the first one who has the highest number of votes". By this he meant that the Government could select any one of the candidates according to its view, even if he/she was the one who had the fewest votes of the *wilayat* electorate.

Clearly, this confirmation by the Minister of Interior regarding this method of the Government choosing the Majlis members from among the candidates nominated by the citizens irrespective of the number of votes acquired by each, violated the right of the citizens to choose their representatives.

The number of votes obtained by the candidates was taken into account only if, in the view of the Government, all other considerations were equal between the candidates. This procedure was clearly contrary to the democratic principle of the right of citizens to choose their representatives for the Shura Council.

Thus, to comply with the democratic principle of popular representation, the candidates with the highest number of votes should be recognised as representatives of their *wilayats*. In this way the Government would earn the confidence of the citizens and their wishes would be respected through the ballot box. The process of Government selection, regardless of votes obtained, often fails to reflect the will of the citizens, as demonstrated by of the following examples. One hundred and thirteen new candidates in the third term (1997-200) secured a high number of the citizens' votes in the *wilayat* nominations process, but the Government selected only forty-five of them as members when forming the Majlis. The candidates chosen by the Government represented only 45.9 % of the total number of the

members of the Majlis A' Shura at that time. In the previous term, fifty-one candidates secured a high number of votes, but only thirty-eight of them were chosen by the the Government to form the Majlis. This represented 45% of the total number of members in the third term of the Shura Council.

On the other hand, some are of the view that the formation of the Majlis in its third term was characterized by balance and consideration of the experience and background of candidates who had sat as members of the Majlis in the previous terms, and the new group of members who could look forward when offering their views enriching the discussion of subjects put forward for deliberation by the Majlis A' Shura. In contrast, others believe that the Government did not take into account these considerations when making its selection, rather, selections were made taking into account quite other considerations and concerns.

5.7.11 The nomination and ballot committees

Prior to commencing the voting procedures, the nomination committee, according to the new procedures, should ensure that ballot boxes are opened in the presence of the candidates. The ballot boxes should be opened and the ballots counted by the ballot committee of each *wilayat*, under the chairmanship of a Sari`ah (Islamic) judge. The main role of the committee is to count the votes gained by each candidate, and then submit a full report of this task to the Nomination Committee of the *wilayat*, which forwards the results to the Central Committee at the Ministry of the interior. The results of the nominations are displayed in a conspicuous public place in the *Wali's* office, enabling the citizens of the *wilayat* to see them.

5.7.12 Appeals against the election results (the third term)

Within five days from the date of the announcement of the results , each nominee has the right to appeal against them to the Central Committee. The Committee then issues its final decision regarding the appeal. Finally, the Central Committee put the voting results forward to the Minister for the Interior in preparation for the promulgation of a royal decree naming the Majlis members.

5.7.13 The media

In the third term the national media (television, radio and the press) were, for the first time, allowed to cover the process of nominations for the Majlis A' Shura's in the wilayats and follow most of the stages of the procedure of this (limited) election across the country. There was little coverage by the foreign media, as they were not invited to cover the election. The most likely reason for this being that the Government considered the nominations to be internal affairs, and as such should remain under their control. In spite of increasing access to global information, the Government is still often hesitant and nervous as regards opening the door to the foreign media and prefers to keep media coverage under strict control.

5.8 The fourth term (2001-2003)

5.8.1. The most important issues and changes

The following important changes occurred in the forth term of the Majlis A' Shura: Non-governmental selection of the members of the Majlis A' Shura; Increasing the number of voters to 175,000: The removal of the requirement for a royal decree for naming the members of the Majlis; and the Minister of the Interior declares the election results.

5.8.2 Fixing the date of election and its exception

As in the third term, the Minster of Interior issued Ministerial Decision (No. 62/2000), before starting the fourth term, specifying the Thursday of Jumada Ala-Khirah 15/1421 AH, which corresponded to 14th September 2000 to be Election Day throughout the country. According to this Declaration and the by-law it declared, the election of the forth term of the Majlis A' Shura took place simultaneously across the country, by secret ballot and ballot boxes.

The Ministerial Decision declared also that, in exceptional cases the Minister for the Interior has the right to appoint a different day for voting in any *wilayat* if necessary for safety reasons and in the public interest. Under the slogan of “gradualization”, the policy of the Omani Government was to introduce a new initiative – even if very simple - in each new term of the Majlis A' Shura.

The fourth term has seen some developments and changes to the rules and procedures that existed in the previous terms of the Majlis, including the non-governmental selection of its members and an increase in the number of electors from 51,000 to 175,000. Deadlines have been specified by the Minister of Interior as part of the procedure for submitting applications for candidature election for the re-viewal of these applications, and for the declaration of the final lists of candidates and electors, as well as for appeals. Numerous procedures were created and applied to the process of electing the Majlis, and, in addition to the Central Committee, several committees were formed in the *wilayats*, regions and governorates to organize the candidatures and elections and count the ballots.

5.8.3 Non-governmental selection

The new developments regarding regulations and procedures such as the (limited) direct election, without intervention from the Government, and an acceptance of the results of the ballot boxes that occurred in the fourth term (2000-2003), can be considered as positive points when compared with the previous three terms (1991, 1994 and 1997).

The most important changes and developments in the fourth term of the Majlis A' Shura were the direct election of members to the Majlis and the acceptance of the ballot box results as final, with no intervention by the Government as happened in the previous terms. So, the Government's role, regarding the candidates, is limited to the rejection or acceptance and approval of the candidature list before the election starts.

In this term, all the members were elected directly by the citizens themselves, and the candidates who obtained the highest number of votes in their *wilayat* were considered the winners of the election in accordance with Article 21 of the Majlis A' Shura regulations which were issued via Royal Decree No. 86/97, and its amendments.

In spite of the deficiencies mentioned above, the fourth term is considered distinctive as it was the first time that the citizens were able to choose directly, in one phase, their *wilayat* representatives for the Majlis A' Shura. Despite this positive note, there were two main

negative points in this term: the limitation of the electorate to 175,000 people and the imposition of categories of eligibility.

The secret ballots and ballot boxes were the decisive factors in showing and defining the results of the election, and the candidates with the largest number of votes in their regions were automatically considered to be members of the Majlis A' Shura as representatives of their respective *wilayats* in accordance with the size of the population of each *wilayats*, based on the report of the Minister for the Interior, which should be issued in due time before the start of the nomination/election of each new term.

5.8.4 One phase only

In contrast with the previous terms, the electoral operation for the fourth period took place in one phase carried out through direct election by the 175,000 citizens who were allowed to vote, with no governmental selection of members for the Majlis A' Shura. Therefore, for the first time the candidate who gained the highest number of votes, in his/her *wilayat* was automatically considered as the member of the Majlis A' Shura, as stipulated by the laws and regulations implemented by Article 21 of Royal Decree No. 86/97 and its amendments.

5.8.5 Incomplete election

The Government placed a limit of 175,000 citizens (male and female) across all the *wilayats* as eligible to vote for the Shura council in its fourth term. This change means the electorate is three times larger than in the previous term. However, those who are allowed to participate in the election represent only a small percentage of the population as a whole.

It can be argued that, in spite of this positive step concerning a one phase direct election of the Majlis A' Shura members, with no selection made by the Government, this electoral process was still not complete because the limits placed by the Government on the size of the electorate meant that it represented only 25% of the population, even though the right to vote had been granted to each Omani of twenty-one years of age and over by the royal decrees, bylaws and regulations.

Arguably, for an election to be considered valid certain conditions must be met regarding the electoral process. It must be open to every Omani who has the right to vote, according to the relevant laws and regulations, without any limitations or intervention on the part of the Government. The results of the secret ballot must be respected as the final result. The candidates who gain the highest number of votes in their *wilayats* must be considered as the members to represent their *wilayat* at the Shura council.

5.8.6 Negative impression

The Government's intervention in stipulating the number of voters, during this period, created bad feeling and reinforced the negative impression that already existed, this common sense leading many to retain their belief that there is no mutual trust between the Government and the citizens regarding true representation in the Shura, and strengthened the view that the Government is intent on retaining its control even if it means contravening its own laws and regulations. There is indeed an inconsistency between the declared laws and what is actually practiced on the ground.

Article 2 of the Majlis A' Shura election by-law promulgated that each Omani shall have the right to elect Majlis A' Shura members if he/she has reached the age of twenty-one years on the first day of January of the election year. This bylaw is clear that there is an unrestricted right for every Omani (male and female) who fulfils the legal conditions to vote. However, the Government has worked against these rights through several of its actions, specifically by nominating the members of the Majlis and specifying the number of voters.

The Government still deems the citizens under qualified to vote, and "not ready" to practice democracy and the right of election; the government still deems the citizens are not ready to embrace this kind of political process. These sayings have been repeated several times by officials. So, in the Government's view, the citizens need to be better (acquainted) with the principles of (the new democracy) before they permitted to exercise their natural rights and participate in the political life.

The 175, 000 people permitted to vote for the membership of the Shura Council in its fourth term represented less than 25% of Omani citizens aged twenty-one years or over according to the census of 1993. This percentage in this term (2000-2003) will be even smaller with the increase in population since 1993. This figure also depends on the number of citizens who are eligible to participate in the Majlis election.

Therefore, in spite of, an acceptance of the results of the ballot boxes without direct intervention from the Government, the fourth term election may still be considered limited or incomplete, because of reasons, particularly the limitation of the number of voters (electorate 175, 000). But it was given the feeling that in the next 2003 term of the Majlis A' Shura the door may be opened for direct and free elections for all citizens (male and female) aged 21 years and over, in all regions and provinces of the country to elect their representatives for Majlis A' Shura.

Of the 175,000 citizens allowed to vote only 114,567 drew their election cards (65.366%).⁷¹ The 540 candidates came from different social categories in competition for the membership of the Shura Council in its fourth term. They were competing for eighty-three seats, at an average of nine candidates for each seat. Twenty-one of the candidates were women, but only two of them gained seats in the Majlis.

5.8.7 Unreasonable intervention

Clearly, this is an unreasonable intervention on the part of the Government in defining the electorate and its categories and giving some citizens (a minority) the right to vote and choose their representatives for Majlis membership, while precluding the majority of the citizens from their legal right, even when they have fulfilled the legal conditions. It can be said, that this interference in the natural and legal rights of the citizens is unjustifiable. Certainly, in the public's opinion it is absolutely unreasonable; it is unfair to discriminate between different categories of citizens. There was no justifiable reason for this, especially as the Government had increased the number of citizens allowed to directly elect their

⁷¹ Ministry of Interior trshehat Majlis Ashura lilfetra alrabiah (statement) about the number of the inviters who held electoral card and their percentage for the fourth term

representatives without Government intervention, and accepted the results of the ballot boxes as the final result for the membership of the Majlis A' Shura.

5.8.8 The categories of electors in the fourth term

When framing the procedures process, in order to find an easier way to distribute the number of citizens allowed to participate in the electoral process, the Government defined the categories of those who may have the right (*in views of the Government*) to choose the representatives of the *wilayats* the electorate was divided into four categories: Sheikhs (*the tribes leaders*), dignitaries, businessmen, and the educated and scholars.

The Government then specified the number of electors in each *wilayat* according to these categories, and with reference to the population size. Each *Wali* was informed of the number of voters for his *wilayat*, which he then divided between the tribes of the *wilayat*, and each Sheikh informed the people of his tribe who had been selected by the Government as eligible to vote. Each voter collected together the required documents, according to the instructions of the concerned authorities, for example their passport, and the Sheikh forwarded them to the competent authorities for approval and the issuance of an Elective's Card for each person permitted to participate in this (limited) electoral process.

5.8.9 Women's participation in the fourth term

As regards women's participation in the fourth term, there was an increase in the number of the women who were allowed to participate in the election as voters. The Ministry of the Interior declared that 30% of the 175, 000 strong electorate, as specified by the Government, were women.

5.8.10 Specifying the period of membership

One of the main changes made in the fourth term, was the limit placed on the period of membership of a maximum of two terms (six years). As Article 2 of the Rules of Establishment of the Majlis A' Shura and the State Council stipulates that: "membership of the A' Shura Council may be renewed for one term only according to the prevailing procedures". While, in the previous three terms, the membership could be renewed for an

unspecified number of terms, as Article 3 of Royal Decree No. 94/91 stipulates that: “the term of the membership shall be three calendar years and shall be renewable for one other term or more according to the respective procedures.”

The Government has given no explanation for this limitation, but in the absence of an official justification, many believe that the reason behind this decision was to prevent members from sitting continually in the Majlis, because in the second and third terms (1994/1997), a number of long-standing members formed an elite group within the Council. It could be argued that, with the shortage of experience of the Majlis, and its limited powers and functions as a council, this group created a good environment for brave and frank dialogues concerning several very important national cases. They also demonstrated that they had the ability to express the citizens’ concerns on their behalf, and gain their confidence and respect. However, the Government did not wish this elite group to continue as members of the Majlis, and it can be said that this was the main reason for limiting the number of terms a member can sit.

5.8.11 No requirement for a royal decree for naming members

One of the significant procedural changes in the fourth term was that it was not necessary for a royal decree to declare the results of the election as had been usual in the previous terms. This was a direct outcome of the non-governmental selection of the Majlis members. The winners among the candidates of each *wilayat* were those who gained the majority of votes, the results of the *wilayats* were then delivered to the Central Committee and declared by the Minister of Interior. The Minister of Interior issues all the regulations and procedures relating to the election of the Shura Council via a Ministerial Decision.

In the fourth term (2000-2003), the Majlis comprised eighty-three members, one more when the *wilayat* Izki, in the Dakhliya region, joined the category of *wilayats* which are represented by two members in the Majlis A’ Shura. The number of *wilayats* with a population of 30,000 or more, and therefore two members, was twenty-four, while thirty-five *wilayats* were still represented by only one member because their citizens numbered less than 30,000.

5.8.12 The candidates applications

The candidates' applications for election to membership of the Majlis A' Shura, are submitted, according to an assigned format, to the local election committee in each *wilayat*, either by the applicant him/herself or by his/her legal attorney (agent), within the period specified by a statement from the Ministry of the Interior. Applicants are given a receipt acknowledging the application.⁷²

The local election committee in each *wilayat* ensures that the applicants satisfy the terms and conditions of candidature. The committee then decrees acceptance or rejection of the applications, and prepares a preliminary list of accepted candidates. Objections can be lodged with the committee regarding the preliminary list within five days from the date the list is declared. The contesters receive a receipt of their objections. The local election committee must make a decision regarding the received objection within five days of the receipts being issued. If an objection is considered valid and therefore accepted both the objector and the candidate being objected to are informed in writing, and the preliminary list amended accordingly.

However, if the objection is rejected the contester must be informed in writing and advised that the objection may be raised to the Central Committee at the Ministry of the Interior. The person making the objection may appeal the decision taken by the local election committee within three days from the date of his/her being notified of the decision. Such appeals are raised to the Central Committee for a decision and the objectors are given receipts to that effect. Finally, the Central Committee must declare its decision, with regard to an objection, within fifteen days of receiving the appeal. After that it sends the final lists of the candidates names to each *wilayat*.⁷³

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S. of Oman Majlis A' Shura structure and its main organs (fourth term, 2001-2003) p. 20

⁷³S. of Oman M.S. structure and its main Organs p. 21

5.8.13 The term 'nomination'

During the first three terms 1991, 1994 and 1997, of the Majlis A' Shura, Government chose to use the word 'nomination' rather than using the word 'election', to describe the process of choosing the Shura's members. Arguably, the word 'nomination' – was used for the following reasons: The Government itself knows that the choice processes, or nominations, as practiced in the earlier terms of the Majlis, were not elections in the real meaning of the word. The Government did not like to use the word 'election' because of its connotations of democracy, a concept that is difficult and frightening to the Arab countries. The rulers of most of the Arab countries did not like their citizens to know about or use expressions thought of as dangerous, such as election, democracy and freedom words.

As has been mentioned, during the first three terms of the Majlis A' Shura, there was no direct election by the citizens of *wilayat* representatives to the Shura Council, there was only a nomination process whereby the citizens could nominate either two or four candidates, (depending on the size of the population of the *wilayat*), from which the Government would choose the members of the Majlis A' Shura.

5.8.14 Contesting the election results

Each of the candidates has the right to contest the accuracy of the election results before the Central Committee within five days of the results being announced at the *Wali's* office. The appeal or contest request should include the reasons upon which it is based. The Central Committee reviews the appeal, and prepares a report of its opinion to accompany the appeal both are then submitted to the Minister for the Interior who issues his judgment, which is final.

In the fourth term of the Majlis, the Central Committee received fifty appeals. Some commentators considered this to be a large number in comparison to the number of Majlis A' Shura seats and to the number of voting stations and centres. Eighteen of the appeals were rejected due to incompleteness of the legal formalities, and thirty due to a lack of legal evidence. Two of the appeals/contests, however, were successful and the candidate

announced as the winner of the highest number of votes in the *wilayat* of Al - Duqum had to stand down in favour of another.⁷⁴

5.9 The fifth term (2003-2007)

5.9.1 Important changes

Saturday 4 October 2003 was announced as Election Day for the fifth term of the Majlis A' Shura, and was declared an official holiday both in the government and private sectors, but only for those permitted to vote. As many as ninety-three ballot centres were opened in which 1,767 citizens worked as members of voting, sorting and organising committees ensuring the smooth running of the elections.⁷⁵

The fifth term election witnessed more developments and changes in significant in comparison to the previous terms. These changes included non-specifying of the electorate. The suffrage base was established on the order of the Sultan, with the right to vote being granted to every Omani person aged twenty-one years or over. No limits were set for the number of people entitled to participate in each *wilayat*, as was the case in previous terms. Article 2 of Decision No. 26/2003 and its amendment by Decision No. 121/2003, stated that every Omani (male or female) is entitled to elect members to the Majlis A' Shura on the condition that he/she has reached the twenty-one years of age by the first day of January of the election year and is registered on the electors register.

Accordingly, in the fifth term election of the Shura Council (200-2003), all Omani people who had reached the legally required age had the right to elect the members of the Majlis in his *wilayat* in direct elections, without a certain percentage from among the citizens of each *wilayat* being specified by the government, as had been the case in the previous terms. It was the first time that the government relinquished its interference in the Shura election, there was no defining who could or could not vote and non-government selection of members.

⁷⁴ S. of Oman Majlis A' Shura structure and main organs (fourth term, 2001-2003) p. No, 18

⁷⁵ Majlis A' Shura and its main organs (5th term 2003-2007) p. 21

It can be said that it is only since the fifth period that there have been elections, even though there have been some negative practices on the part of the citizens themselves regarding such things as the exploitation of tribal and regional partiality. Although some considered this point as a very important step, but it has come rather late

In accordance with Article 2 of the Organizational charter of the Majlis A' Shura elections for the Majlis of the fourth period (2003-2007), every Omani has the right and entitled to elect members of the Majlis A' Shura if he/she satisfies and meets the conditions. The right to vote is a personal right used one once in every one election and it cannot be deputised delegated or transferred through power of attorney. No elector is allowed to vote in any place other than his/her wilayat of registry. In addition, an elector can only cast his/her vote in the place specified on his/her electoral card. In each of the fifty-nine *wilayats*, the *Wali* prepares lists of voters, and ensures that the citizens comply with certain conditions.

5.9.2 Significant amendments

After the election of the Majlis in its fifth term the Sultan issued a royal decree to amend some of the previous decrees regarding the two chambers of the Council of Oman. These amendments concerned the length of terms sat by the two bodies (the Majlis A' Shura & the State Council) and the renewal of membership for further terms when elected directly by the citizens. The amendment included granting the right to vote and contest the election to all Omanis (men and women) aged twenty- one years and above, as well increasing the Majlis A' Shura membership term to 4 years and adopting a new perennial convening season of 8 months or more.

5.9.3 Election Stages ⁷⁶

The Majlis A' Shura 5th term elections (2003-2007) went through various stages in implementing the provisions of the election bylaws. Stage 1 involved the creation of the electoral register, preparation and approval of voting lists. An electoral register was created for every wilayat at the general Diwan of the ministry of interior; it was contained the names of the electorate and their voting details. The ministry of interior prepared election

⁷⁶ s. of Oman, Majlis A' Shura and its main organs (fifth term 2003-2007 A-D) page 21

lists for every wilayat to include all names of the electorate, from the wilayat electoral register, and every elector was accorded a voting card contained his her voting number, the name in full, the date and place of birth, the passport or identity card number, the lection station, and the date of issuance of the card.

Stage 2 addressed the nomination to the Majlis membership. Nomination applications for the 5th term were addressed, in accordance with the preset format, from the candidate or by his / her deputy to minister of interior, within the prescribed periods specified in the minister's statement, the applicant was given a receipt against her/his application, Then the election committee examined applications came from the ministry to prepare a list of their names with its opinion inclusive and submitted the same to the main committee for review and approval. The names of the candidates in the preliminary lists are announced as soon as they received from the central committee, and they are kept in a prominent place in the office of the wali.

Any person concerned may object to the names mentioned in the preliminary lists within five days from the date announcement of these names. The person raising the objection should state her/his reasons for doing so. Then committees of elections will issue their decisions vis-à-vis the objection within one week from the objection deadline. This decision of the election committee on objection requests is announced in the same place as the preliminary lists of candidates. In this regard, any person concerned may submit his or her petition to the central committee regarding decision on objections made to the election committee within three days from the date when the election committee's decision is known to the petitioner. Then the main committee will issue its decision on the appeal within 15 days from the date on which the petition is received.

Stage 3 involved voting and the announcement of results. According to election's regulations of the fifth term, the voting takes place in the same day for all wilayats of the country. But the minister of interior may fix a certain day for voting in a particular wilayat of necessary, or security of the voting and public interest so require. The time on election

day starts at 7 am and closes at pm of the same day, but the head of the main committee may for a good reason, extend the timing to 9 pm.

The minister of interior may approve an automated method to be used for voting or sorting or both in all or some of the province (wilayats) by a decision to be issued in this regard. The candidate's names are arranged according to the votes obtained in descending order. As in the fourth term, at the end of sorting and the successful candidate of the fifth term, the one who obtained the largest number of votes, and if the wilayat is to be represented by more than one representative, then the name of the candidate who wins the second largest number of votes shall be the second winner. But if two or more candidates receive equal highest number of votes, the elections committee conducts a toss in the presence of the candidates concerned, then the one support by the toss is considered the winner, in which case a report is drafted and signed by those present and the members of the elections committee.

The result of the voting should be placed in a prominent spot in public place and in a similar spot in the wali's office, any of the candidates who object to the result of the voting may submit a petition to the central committee. Within 5 days from the date of announcement of the results at the wali's office, the petition should include the reasons. Finally, the central committee submits to the minister of interior to issue a statement about the final results of elections, including the names of the Majlis A' Shura.

5.9.4 Voting electronically

According to the organizational charter of the Majlis A' Shura elections issued vide decision No. 26/2003 and its amendment by decision No.121/2003 article (26) the voting shall be conducted on the same day for all wilayats of the country. But the minister of interior may appoint a special day for voting in a particular wilayat if the pursuance of validity of voting and public interest deems it necessary. The Minister of interior also may choose to pursue the electronic style in voting or sorting or in both in all or some wilayats following a decision in the same. After the sorting process is completed, the names of candidates shall be arranged in descending order in accordance with the numbers of votes

each one has received, and the winner shall be one who gets the highest number of votes, followed by the who wins the next larges number of votes if the wilayat is to have more than one representative. In regards the results, the election committee shall submit the results to the central committee as soon as sorting is over and, at the latest by 12 noon of the day following Election Day. Then any one of the candidates who is not satisfied with the results of voting has the right to file an appeal to the central committee within 5 days of the date of announcement at the office of the wali provided the candidates states the reasons of his/ her appeal According to (article 24) of the organizational charter of the Majlis A' Shura elections issued vide decision No. 26/2003 and its amendment by decision No.121/2003.

5.9.5 Penalties

Without prejudice to a more severe penalty the person convicted with committing any of the acts listed below shall be penalized by imprisonment for not more six moth, or a fine not less than five hundred Omani Riyals, or both penalties simultaneously:

1. To impersonate in order to be able to vote in the elections
2. To enter by force into voting halls to affect the voting process of harm any of officials responsible for the voting administration
3. To carry firearm at the voting stations
4. To seize or attempt to seize a ballot box before or after sorting
5. To commit any act that might affect the progress of the voting process

Note: All aforementioned offences shall be dropped six months after the date of declaration of the elections final results

5.9.6 Final provisions

The Minister of Interior shall issue for each electoral terms a schedule of election procedures and prepare samples for all forms, registers, stamps, and boxes required for execution of election procedure of each electoral terms.

5.9.7 The Period of the Membership and its Renewal

Based on the article (2) of Royal Decree No.74/ 2003, the membership period of the two Councils has been expanded from 3 years to 4 years. As regards the membership of the Majlis A' Shura currently starts from the specified date that the final election results are declared and expires at the end of the September 2007 preceding the new term, unless the membership has already expired for a particular legal reason⁷⁷.

As it has been stated, the membership of both councils was three calendar years. In the case of the State Council, membership could be renewed for an unlimited number of further periods, whereas membership of the Majlis A' Shura was renewable for one term only, as it was limited since the third term of the Shura council (1997-2003), while it was unlimited during the first two terms. However, as a result of the changes to the Majlis system set out in Royal Decree No. 74/2003, the membership of the Shura Council is now renewable for an unspecified number of terms: *"The membership of the two councils may be renewed for other similar periods."*

5.9.8 Perennial convening sessions systems

Before the 2003 amendments, the Shura Council had to hold four sessions annually, during the months of January, March, May and October, with the President of the Council calling extraordinary sessions when necessary. Since the fifth term, the Shura Council must convene an annual session at least every eight months, and the President of the Council may still call extraordinary sittings if deemed necessary. The Sultan delivers a speech, inaugurating each annual session, in a plenary sitting of both councils. After this joint sitting, the regular session of each council commences.

5.9.9 Notes on the results of the fifth term elections

Based on the lists of candidates competing for Majlis A' Shura membership in its fifth term, and the final results of the election announced by the Ministry of the Interior on October 14th 2003, the following has been observed: The total number of candidates for the Shura Council stood at 506, fifteen of whom were women. Eighty-three of the candidates

⁷⁷ Majlis A'.Shura, the fifth term of the Majlis A' Shura and the third term of the State Council, 2004 p. 28

won the right to represent their *wilayats* at the Majlis. Two of whom were women. Twenty-four of the wilayats had two representatives (as in the fourth term). Two of the fifteen women candidates won second place in the wilayats of Muscat and Bausher in the Governorate of Muscat, and they obtained two seats at the membership of the Shura Council for the fifth term. As many as thirty-three candidates who were former members of the Council have been re-elected. They represent 39.75 % of the total number of members in the 5th term. Fifty new candidates were elected comprising 60.25 per cent of the total number of Council members. Supervision of the election process involved more judges, and the Women have been granted full suffrage right, with no limits set for their participation, as was the matter in the past stages.

It should be noted that, until the fourth term, the nominations for Majlis A' Shura membership were issued by royal decree. Since the fourth term, the results of the elections, according to the number of votes gained, have been declared by a Decision of the Minister for the Interior.

5.10 Conclusions

During the first four terms there was only a limited increase in the size of the electorate (nominators/voters). Even those who complied with the legal conditions had not been allowed to practice their natural right to choose the representatives of their *wilayats*. Only since the fifth term (2003-2007) have all citizens aged 21 years and over been permitted to vote for the membership of the Majlis A' Shura. The number of nominators in the First and Second Terms of the Majlis A' Shura (undeclared), was restricted to the Sheikhs (the leader of the tribes). In the third term (1997- 200) the number of nominators 51 thousand included: the Sheikhs, nobles, high officials and leaders became larger than before and the number of nominations rose to 175 thousand during the fourth period. In addition to the aforementioned categories there were the university educated and the 30% of voting women, as required by the government. Of the 175,000 citizens allowed to vote, only 114,567 drew their election cards (65.366%),⁷⁸ three times more than before.

⁷⁸ Ministry of Interior trshehat Majlis Ashura lilfetra alrabiah (statement) about the number of the inviters who held electoral card and their percentage for the fourth term

The fifth term (2003 -2007) was characterized by a wider electoral participation, as long as each Omani voting was 21 years or over, and was allowed to vote without the direct intervention of the government to specific electors or the selection of the members of the Majlis A' Shura.

For the duration of the first period of the (Majlis A' Shura), 1991 to 1994, the 59 members of the council, each representing a wilayat (province) elected three member candidates, out of which only one was selected by the Sultan. During the second term of the Majlis A' Shura from 1994-1997 the membership of the Majlis grew from 59 to 80 members. Each Wilayat (province) having a population exceeding 30 thousand citizens or over was to be represented by two members, meaning there were 21 wilayats represented by two members in the second term, while the remaining wilayats with less than 30,000 had only one representative member.

The number of members at council rose during the third term from 80 to 82 when the population of two wilayats (Al Burma and Quriat) reached 30.000, and another was added in the fourth term of the council (2000-2003) when the wilayat (Izki) reached 30, 000 citizens. The Ministry of Interior noted that a declaration of any changes must take place before the next period of the Majlis.

Women have participated and been allowed to join the Majlis since the second term. Women participants during the first term were restricted to wilayats of the Governorate of Muscat. The wilayats of Seeb and Muscat were the first to be represented by women at the Majlis A' Shura. Since the first women participants in the second term – 1994 -there have only been two women's seats in the Majlis A' Shura. Although women's participation was applied across the country in the following terms, and that most terms had more participation than the first, the number of women candidates dropped. Such that while the number of women candidates in the third tem of the Majlis A' Shura (1997-2000) was 27, in the fourth period (2000-2003) there were only 21 women. Their number fell to 15 candidates during the fifth term (2003-2007). The main reasons were ascribed to the limited

success of the Majlis whose performance did not yield any palpable or significant results - therefore the limited scope of the Majlis missions continued simply as consultative. This decline in the number of the women candidates reflects the decline of the overall candidates in general during the third, fourth and fifth terms of the Majlis respectively, from 736 candidates to 540 to 506

Although the last election of the Majlis A' Shura held in 2003 granted for the first time voting to all Omani aged 21 year and over, there was a reluctance on the part of many citizens to register to vote. This reluctance led the Ministry of the Interior to form a Central Committee to tour the *wilayats* and persuade and motivate the citizens to participate. Seminars and working sessions were held in various *wilayats* to induce the citizens to register and participate in the election. Most of the citizens have given the reasons behind their reluctance as the weak role of the Majlis and its lack of power and functions. In an attempt to counter this situation, the Ministry of the Interior allowed more time for the registration process and delayed the Election Day from Thursday 2nd October (an official holiday) to Saturday 4th October which, although normally a working day, was declared a holiday in both the government and private sectors for every elector that brought to the concerned authorities the official registration form.

In relation to the powers of the Majlis A' Shura no important changes nor genuine developments were introduced, rather the situation has become worse as the role of the Majlis A' Shura and its functions became more restricted, especially since the 1997 amendments (*details in chapter Eight*) on the previous laws and regulations of the Majlis, which were already restricted.

Chapter 6 examines the functions of the main organs of the Majlis A' Shura showing in detail their mechanisms, how they work, and the relations between them.

Chapter 6

The main bodies and functions of the Majlis A' Shura

6.1 Introduction

The next part of this study examines in detail the working mechanisms of the Majlis A' Shura through its main bodies and the tasks and functions of each and how they work both separate units and in conjunction with each other. The section also takes a detailed look at the sessions system, their length of term; and the methods used in appointing the president and the two vice presidents of the Majlis A' Shura. We also discuss the forming of the Majlis Bureau and the tasks and functions of the Secretary-General as an administrative apparatus of the council. Other important issues covered include: Details about the membership, its conditions, the conditions of candidacy, validation (starting and expiring effects of the membership), the immunity of members, the procedures followed if a membership post becomes vacant, the formation of the main permanent, special committees and their duties, the main amendments and how the council issues its recommendations and raises them to the appropriate officially recognised authorities in the Oman.

6.2 The Membership of the Majlis A' Shura and its Conditions

Candidates for membership of the Shura Council must satisfy the following conditions: To be of Omani nationality by origin in concordance with the law; to be of at least thirty years of age; to be of good status and reputation in the *wilayat*, and not been convicted of any offence or crime of dishonesty or honor, save where he/she has been re-instated; and to be of a reasonable level of culture and to possess reasonable work experience.

According to the royal decree establishing the A' Shura Council, members must relinquish their membership in the following cases: Where he/she has lost the esteem or confidence of the Council, or failed to perform his/her duties and the Council recommends the

withdrawal of his/her membership accordingly; and where he/she fails to continue to meet any of the conditions of membership.

Prior to practicing their duties, members have to take an oath before the Council. Candidates nominated and selected for membership of the Shura Council cannot hold any other official post; and official posts shall be terminated with effect from the date of become a member of the Majlis.

Members should regularly attend the Council and its committee meetings. But in the case of absence, the member should notify in writing either the President of the Council, or the committee chairman. Any Council member obliged for any reason to leave the Council premises during a session must obtain permission to do so from the committee chairman, or the President of the Council.

All members of the Majlis have the right to speak inside the Council, but whether inside or outside the Council, should not commit acts that contravene the laws or regulations, and should give due respect to the State. No member of the Council may disclose any information relating to the discussions of the Council, the Council Bureau or the committees, or the minutes of the meetings of the aforementioned organs. Members of the Bureau and the committees shall not allow other than fellow members to peruse the minutes of meetings except by the written consent of the President of the Council. The members of the Shura Council shall not exploit their posts to obtain personal privilege.

6.2.1 The conditions of candidacy

Decision No. 128 /1997 of the 3rd August 1997, according to Royal Decree No. 86/97, states each Omani has the right to stand as a candidate for membership of the Majlis A' Shura if he/she satisfies the conditions which are largely the same as those of the past terms, he/she must: Be an Omani national by origin; not be less than thirty years of age; be of good reputation and status in his/her *wilayat* and not have been convicted of any criminal offence or misdemeanor, unless otherwise granted a judicial pardon; have a reasonable

degree of education and have had suitable work experience and belong to the *wilayat* he/she is being nominated for.

6.2.2 Withdrawal of the right to candidacy

The bylaws and royal decrees specify that the right to candidacy should be withdrawn in the case of: Bankrupted individuals, unless his/her status has been reinstated; individuals placed under guardianship by legal sanction (this reservation only applies during the period of guardianship); psychologically disturbed individuals (this reservation only applies during the period of hospitalization); individuals convicted of a criminal offence or misdemeanor and not granted a judicial pardon; members of the military and security organs while they are in-service and until two years after leaving the service

6.2.3 Starting and expiring effects of the membership

In the previous terms the expiry of the membership of the Majlis A' Shura went through different stages. During the first, second and third terms' membership of the Majlis A' Shura started from the date of the royal decree naming the members, and terminations at the end of the term of the Majlis, unless it was withdrawn or expired for any other reason. In the fourth term (2000-2003) the membership ran from the date of the results of the election being declared by the Minister for the Interior until the end of the term, unless it was withdrawn or expired for any other reason. According to the amendments of the fifth term (2003-2007), the membership of the Majlis A' Shura currently started from the specified date that the final election results were declared and expired at the end of the September preceding the new term, unless the membership has already expired for a particular legal reason

If the membership post becomes vacant

If a membership post becomes vacant, one complete session before the end of the Council term, a substitute member is selected to complete the term, as a member of the Majlis A' Shura.

Immunity

In accordance with the law, no penal action for non-attested crime shall be taken against any member during the sessions without the permission of the Council, or from the President during intervals between the sessions.

6.3 The President of the Majlis A' Shura

The presidency of the Majlis consists of the President, appointed by royal decree, and two Vice-presidents who are elected at the first session of the Council, by the members holding secret ballots. Throughout the five terms of the Majlis A' Shura the President has come from out-side the Council membership. He is appointed by a separate royal decree, because he is not one of the members representing the *wilayats* by way of nomination or election by the citizens. Neither is he elected by the members in a secret ballot at the first session of the Majlis (Royal Decree No. 86/97), as are the two Vice-presidents. The first ordinary session of the Majlis is usually dedicated to organizational and procedural issues pertaining to the election of the two Vice-presidents and the formation of the Majlis Bureau and its committees.

6.3.1 The President's tasks and powers

The President of the Majlis supervises all activities and the progress of the Majlis and ensures its compliance with the country's laws and regulations; he may seek assistance from either of his Vice-presidents and the Bureau of the Majlis. The President presides over the committees he attends, and may invite any committee to convene to study urgent or important subjects.

He also represents the Majlis in all correspondence with other authorities and speaks on the Council's behalf. The President of the Majlis opens and presides over the sessions of the Majlis and announces its termination. He facilitates discussions, gives permission to speak, specifies the subject of discussions and directs members to confine themselves to the point under discussion and to abide by the regulations. In addition, he puts forward issues for voting and announces the recommendations of the Majlis. He is also supervises the

preparation of the Majlis budget and submits it to the Bureau of the Majlis for discussion before referring it to the Majlis for approval. Furthermore, the President plays a supervisory role over the Secretary General and all administrative, financial and technical matters of the Majlis. The President as well raises, to the Sultan, an annual report regarding the results of the Majlis' work and its recommendations

He also informs the Services ministers of questions and requests resulting from the discussions of the Council members, and invites them to respond. He signs the minutes of the sessions after they have been approved by the Council, and directs the General Secretary to prepare and edit them, taking out any speech that contravenes the by-laws of the Council and its provisions.

In respect to the administrative and financial affairs of the Majlis A' Shura, the President has the same power and authority as is vested in a minister or the head of a government unit. He may assign some of his tasks to one of his Vice-presidents, who he can also assign to preside over some of the Majlis', or its Bureau's, meetings. The Vice-president assumes the powers vested in the President when presiding over meetings.

The President of the Majlis A' Shura should be elected from among the members representing the wilayats, by secret ballot in the first ordinary session of the Majlis. This session should be presided over by the eldest member until the election of the President, this being the first item on the agenda.

6.3.2 the two Vice-presidents

According to Article 5 of Royal Decree No. 94/91 on the establishment of the Majlis A' Shura, the Majlis shall elect in its first session two Vice-presidents from among the Council members.

As laid out by Article 22 of the Internal Regulations of the Majlis that were issued by Royal Decree No. 97/91, the President of the Council may assign some of his competences to either of his Vice-presidents, and may also assign him to preside over some of the Majlis',

or Majlis Bureau's, meetings where he assumes the powers vested in the President with regard to the administration of the meetings. The Council's President may seek assistance from either of his two Vice- presidents or the Bureau of the Majlis. In the case of the President's absence for any reason during the convening of the Majlis sessions, or during a meeting of the Majlis Bureau, the President assigns either of his two Vice- presidents to preside over the sessions and meetings. The Vice - president who assumes this task has the same power with regard to the administration of the meetings.⁷⁹

6.4 The Bureau of the Majlis

The Bureau of the Shura Council is considered very important for the Council in general, and for its different organs. It comprises the President who, by virtue of his office, assumes the chairmanship of the Bureau, and his two Vice-presidents and six others elected by the members from among themselves by a secret ballot at its first session.

6.4.1 The tasks and powers of the Majlis Bureau

The Majlis Bureau sets out the programmes, activities and plans of the Majlis and its committees, in order to ensure the progress of the work. The Bureau also supervises the committees and activities of the Majlis and provides assistance to the members in the practice of their duties. Furthermore, it provides assistance to the Majlis' committees and sets out the provisions regulating the administration of their tasks and the co-ordination of their various activities.

The Majlis Bureau discusses the draft budget of the Majlis, which is submitted to it by the President prior to it being submitted to the Majlis for approval. The Bureau of the Majlis a, Shura participates with the General Secretariat in setting up the agendas of the Majlis sessions, according to the action plan formulated, and gives priority to issues referred to the Majlis by the Sultan. The Secretary General declares the agenda of the Majlis session and each member is notified at least two weeks before the convening of the meetings. The Bureau selects delegations to represent the Shura Council for missions either inside or outside the country, and these delegations submit their reports to the Bureau. The members

⁷⁹ S. of Oman. Majlis a'Shura, 1997 p. 57

selected by the Council to sit on the committees called for by the Government, are deemed as the representatives of the Council and may speak on its behalf.

The Bureau can assign any committee to study a particular subject and submit to the Bureau its report and recommendations. In addition, the Bureau takes charge of the Council's activities between sessions. The Bureau also receives applications and suggestions submitted to it by the citizens in respect of issues of public interest. These are then referred either to the Government or the concerned committees. The General Secretariat directly informs the citizen of the action taken on their submission. In addition to its other competences, the Bureau of the Shura Council supervises all the administrative and financial affairs of the Council in accordance with the provisions set up by the Bureau for this purpose and approved by the Majlis.

6.4.2 The Bureau's meetings and its decisions

The President of the Shura Council may invite the Bureau of the Majlis to both its periodical and extraordinary meetings. A quorum of the Bureau's meetings is not reached unless there is in attendance a majority of its members, among whom must be the President or one of his Vice-presidents. In addition, the decisions of the Bureau are issued by a majority of the attending members including the President or either of his Vice-presidents in the event of his absence. The Secretary General, other members of staff who have been so permitted, government officials, and other persons who have been invited to discuss certain issues tabled before the Council, can attend Bureau meetings in addition to the Bureau members. The Secretary General supervises the editing of the minutes of Bureau meetings, which are endorsed by whoever chaired the meeting (the President or one of his Vice-presidents). If a Bureau seat becomes vacant for any reason, the Council elects another member in accordance with the Bureau's nominations.

6.5 The committees of the Majlis

The work and activities of the Majlis committees is considered very important. The committees usually convene meetings to study the subject allocated to them, and raise

reports to the Majlis in its ordinary session. Article 34 of the Internal Regulations of the Majlis A' Shura promulgated the following permanent committees:

- 1-The Legal Committee
- 2-The Economic Committee
- 3-The Committee for Health and Social Affairs
- 4-The Committee for Education and Culture
- 5-The Committee for Services and the Development of Local Communities

Other committees may be formed by a decision issued by the Council as necessary.

6.5.1 Formation of the committees of the council

Each of the above committees is formed of a number of members fixed by the Council as proposed by the Bureau at the beginning of its first session. When forming committees, considerations of their ability to act satisfactorily should be taken into account. After its formation, each committee elects from among its members, a chairman and deputy chairman. The election is by an absolute majority. The secretariat duties of the committee are entrusted to one of the Majlis staff.

6.5.2 the duties and powers of the committees

Each of the permanent committees of the Council is entitled to study and propose whatever it sees as relevant to its competences as defined by the royal decree that established the Majlis A' Shura (the Shura Council). The committees are also entitled to set forth their views on the subjects referred to them. Each of the Majlis' permanent committees study draft laws and any other subject referred to them, which falls within their competences. The chairman of each committee administers and supervises its functions, and his deputy has the same rights and duties. The committee draws up its own agenda, subject to the suggestions of the chairman.

The committees, at the beginning of each session and within their competences, determine the subjects which they may study and fix as their priority role during the session. They then forward their reports to the President to be submitted to the Council for approval. The committees are usually convened at the invitation of the chairman, or one of his deputies in

his absence. Such invitations should be made in sufficient time before the date fixed for the meeting.

Minutes are taken for each committee meeting, and include the names of both the attending and absent members, and a summary of the discussions and texts of the decisions taken. The chairman and the secretary of the committee endorse the minutes. In pursuance of the study of any subject within its competences, each committee can request, from any government or public entity, by way of the President, any statement or information deemed necessary, the committee may also seek the approval of the Council to pay field visits in relation to the issues under study.

All correspondence between the chairman of the committee and concerned authorities outside the Council are made by way of the President of the Council. Each committee may request the approval of the President to meet a concerned minister, or any ministry official representing him, in order to hear information, explanations or statements regarding issues within the competences of the committee. Each committee may form one or more sub-committee to study specific issues. In addition, the regulations and procedures for the permanent committees also apply to the sub-committees.

The committees submit their reports to the Council on a fixed date. Each committee submits its report to the President of the Council to be listed on the agenda, and the reports are distributed to each Council member for review at least three days before the date of the meeting. Such reports include the committee's view on the subject and the reasons for this view, if the subject referred was a draft law; the original text is attached to the report.

For each report submitted, the committee appoints a reporter to present it to the Council. In the case of a reporter's absence, the President of the Council nominates one of the committee members to present the report.

6.5.3 Special committees

The Council may decide to form a special committee to discuss a specific issue. This kind of committee is dismissed after having performed its duties or upon a decision issued by the

Council. If the Council approves the formation of a committee in principle, the President selects its members and chairman and announces their names at the next Council meeting.

6.5.4 The joint committees

The Council may, on the recommendation of the President, refer any subject to a joint committee. Such committees comprise one of the Council committees and a number of members from the other committees concerned with that particular subject. The joint committee is presided over by the chairman of the committee that was originally entrusted with the study of the subject in question. The meetings of the committees are held in camera. A quorum of the meeting is not reached unless the meeting is attended by at least two-thirds of the committee members and decisions are only passed by a majority of the attending members.

6.5.5 Meetings and the media

The Majlis meetings are held in secret and are attended only by its members, the Secretary General, permitted members of staff and others invited to that particular meeting. Meetings, in which services Ministers present their reports and answer member's questions, are reported in the national media.

6.6 The Secretariat General

The Secretariat General of the Majlis is the administrative and technical apparatus; it performs the necessary work to help the Council and its organs to fulfill their tasks as required. The Secretariat General also assumes the execution of the Council's decisions and manages its administrative, financial and technical affairs.

6.6.1 The formation of the Secretariat General

The Secretariat General comprises the Secretary General and those who assist him. These are assistant secretaries and the staff of the departments and sections listed in the organizational structure of the administrative apparatus as approved by a decision from the Council.

6.6.2 The functions and powers

The Secretariat General undertakes the tasks necessary for providing assistance to the Council and its organs in the exercise of their competences according to the general organizational provisions drafted by the Bureau and approved by the Council.

The Secretary General assumes the competences vested in him by the Internal Regulations, which include: The supervision of all departments and sections of the Secretariat General and the distribution of tasks between them. All officials in charge of departments and sections submit the results of their performance to him. He is responsible to the President for the progress of performance. The attendance at the meetings held by the Council, the Bureau and the committees. The supervision and editing of the Council minutes and the announcement of them to the members according to the President's instructions, or those of either of his vice- presidents as necessary. Any other tasks or duties assigned to him by the Council, the President or the Bureau. The Majlis, as per the General Secretariat's proposal, in co-ordination with the Bureau, sets out the regulations organizing the personnel affairs. The civil service law and its executive regulations govern any provisions not covered by these regulations. The Council's Secretary General has the same power, as vested in an Under-secretary of a ministry in the Government's administrative apparatus, to perform his competences and supervise the Council's financial and administrative departments.

6.7. The Majlis' duties and rules of performance

In accordance with the Minister Internal Regulations that were issued via Royal Decree No. 97/91 and the amendments promulgated by Royal Decree No. 88/97 regarding the Internal Regulations, the Majlis' duties and rules of performance are as follows:

6.7.1 Draft laws

The President of the Shura Council, shall according to Articles 60, 61 and 62 of the Royal Decree refer the economic and social draft laws, presented by the Government, to the concerned committees for study and the submission of a report to the Majlis. Where a committee has introduced effective or substantial amendments to the draft law, it shall,

before submitting its report, refer the issue to the Legal Committee for comments on the introduced amendments and the proper co-ordination of the provisions. The comments of the Legal Committee are then referred to in the final report.

The Majlis shall begin by discussing the general concept of the subject. Permission to speak shall be given to the committee's reporter, followed by the attending government representative and then to the other members. If the Council approves the subject in principle, the committee starts detailed discussions going through the draft law article by article following the above pattern in the order of the speeches. Where the report of the committee introduces amendments to some of the sections, voting shall be taken on the amendments first and then on the sections as a whole.

6.7.2 Additions

When the Majlis A' Shura and the State Council were combined, in 1997, to form the Council of Oman sitting as one (parliament), some changes were made regarding the original duties of the Majlis A' Shura. Article 54 of Royal Decree No. 88/97 which Issued the Internal Regulations of the Majlis A' Shura, and Article 62 of Royal Decree No. 97/91 stipulated: *"The Majlis (Majlis A' Shura) shall refer revised draft laws, along with recommendations, to the State Council"*

6.7.3 Valid laws

Articles 63, 64, 65, 66 and 67

A Majlis committee may either at its own discretion or as assigned by the Bureau of the Council, study the current enforceable and valid laws, regulations and rules related to its competences with a view to developing their provisions. Should a committee think that any of the valid legislation needs amendment, it submits a report to that effect to the Bureau of the Majlis. The committee's report on any proposed amendment are referred to the Legal Committee for study, and joint meetings between the two committees may be held for the same purpose. The Legal Committee submits its report on the proposed amendment to the Majlis Bureau.

Should the view of the concerned committee conform to that of the Legal Committee regarding the introduction of the amendments, the Council Bureau directs a tabling of the issue on the Majlis' agenda. In a case where there is a difference of opinion between the two committees, the Majlis Bureau directs, as it considers suitable.⁸⁰

6.7.4 Participation in the preparation of the development plans

Articles 68, 69, 70, 71, 72, 73 and 74

The Government shall receive the general framework of the draft of the five-year development plan to the Majlis A' Shura with sufficient time prior to their endorsement. Immediately after the Council has received the draft plan, it shall be referred to the Economic Committee for prompt study. The chairmen of other permanent committees shall be considered as members of the Economic Committee, the general framework of the draft plan having been referred to it, and they shall assume this status until the Council completes the task of considering the plan.

The Economic Committee shall produce a report regarding the framework of the draft plan, which shall contain a statement of its goals in each field. Members may submit their written comments on the report at least three days before the date fixed by the Majlis to study the report. The committee convenes during this period to discuss the comments and express its opinion regarding them in an annex to its original report.

The debate on the draft plan begins at the assigned meeting by reading out the committee's report and its annex, unless the Council rules that it is sufficient to file them. Permission to speak is granted to the committee's reporter, to the representative of the Government, if present at the session and then to the members. The debate may take one or several days. It may be continued over one or more consecutive days, but no new remarks can be presented during the discussion. After the debate is closed or concluded, the President takes votes on the committee's report and the comments of the members concerning the framework of the

⁸⁰ Majlis A' Shura document of establishment 'the first term' p. 48

draft plan, and notifies the Council of Ministers of the Majlis A' Shura's views accordingly.⁸¹

6.7.5 Members' individual proposals

Articles 75, 76 and 77

The Majlis A' Shura may present proposals to the government regarding issues related to services and public utilities and the means to develop and maintain their performance, or obstacles facing the economic sector, whenever the Council by its own accord, is of the opinion that it is in the public interest. Each member of the Majlis A' Shura has the right to present proposals regarding the issues stated in the above article. The proposals are presented in writing to the President together with the supporting reasons. In cases of urgency the President may submit the proposals to the Council directly, without referring them to the concerned committee, or he may refer them to the committee to study and deliver its report. He notifies the Council of these procedures at the next Council meeting.

If the President of the Majlis is of the opinion that a member's proposal does not fall within the competences of the Majlis, he may, with the approval of the Majlis Bureau, decide not to present it to the general meeting. The President may, with the approval of the Bureau, exclude any proposals that contain improper expressions or misrepresentations regarding persons or authorities, or that violate the interests of the country.

6.7.6 Questions

Articles 78, 79, 80, 81, 82, 83, 84 and 85

The Majlis members are entitled to address questions to services ministers; each member can ask only one set of questions, without comment, of ministers, because of time constraints. In the context of the provisions of these regulations, 'questions' mean enquiries by a member about an issue he does not know enough about, or about an incident that has come to his attention and the occurrence of which he wants to verify, provided that the subject matter of the question is within the competences of the Majlis.

⁸¹ Majlis A' Shura document of establishment 'the first term' p. 50

The question shall be submitted in writing and shall be explicit, brief and signed by the concerned member. It shall be confined to the issues enquired about and without any comments or remarks. It should also not relate to private interests or issues of a personal nature (Article 89 of Royal Decree No. 97/91)

6.7.7 Additions

There is an addition to this article via Article 91 of Royal Decree No. 88/97:

“... Nor should it violate the provisions of the Basic Statute of the State or harm the public interest. The question should not have any explicit reference to persons or their personal affairs. It should not touch on any issue being examined by the courts.”

The Bureau must exclude any question that does not comply with the conditions stated in the above articles, and the member presenting it shall be notified with the reasons thereof. Without prejudice to the provisions of the above articles, the President submits the question to the concerned Minister and it is tabled on the agenda of the next meeting.

The Minister answers the question at the meeting fixed for that purpose. The Minister may request to postpone the answer to another meeting, or file it with the Secretariat General for perusal by members and confirm this action on the agenda of the meeting, or delegate one of his senior staff to deliver the answer before the Majlis. The member presenting the question is alone entitled to comment on the answer. His comment must be brief and only made once only.

The question ceases to be effective on delivery of the answer to it, and it shall not lead to open discussions or constitute grounds for a decision to be issued by the Council.

The previous provisions regarding the procedures of questions and answers do not apply to the questions addressed to the concerned Minister while attending a debate on a subject submitted to the Majlis. The members may address their questions verbally at the debate.

It should be noted that the last article in this section is not included in the Internal Regulations as issued by Royal Decree No. 88/97.

6.7.8 Requests for debates

Articles 86 and 87

Subject to the approval of the Majlis, requests to discuss any issue that is within the competences of the Council with the concerned Minister must be submitted in writing and signed by at least five members. All members are entitled to participate in the discussion and the Council is entitled to issue the recommendations and proposals it sees relevant. The President informs the concerned Minister of the debate request immediately after the Majlis' approval and invites him to attend. The subject for the debate is tabled on the agenda of the meeting, which is held at least one week after the date of extending the invitation to the concerned Minister. The Minister may request to postpone the debate for a further week.

6.7.9 Additions

Some additions were made by the Article 78 of Royal Decree No. 88/97 to Article 87 of Royal Decree No. 97/91: The Majlis Bureau shall determine the general framework of the points to be covered by the discussion and enclose it with the invitation extended to the concerned Minister. The Minister may request a postponement of the debate for a period, which he agrees with the President of the Majlis. In co-ordination with the President, the Minister may also specify the number of sessions he might need to tackle the issues raised for discussion.

6.7.10 Amendments

Article 81 of Royal Decree N0 has amended article 90 of Royal Decree No. 97/91. 88/97 as follows: *"Meetings, in which services Ministers present their reports and answer members' questions, shall be reported in the national media. The media coverage of the members' questions and the answers to these questions should be done in accordance with the norms observed by Omani society. Broadcasting should be at suitable periods fixed by the competent authorities to ensure full public benefit."*

6.7.11 Article 90

Some additions were made to Article 90, of Royal Decree No. 97/91, by Article 82 of Royal Decree No. 88/97: The following points may be observed in the Majlis meeting in which the service Ministers present their statements. The statement of the Minister shall be distributed to the members in ample time before the start of the meeting, to enable them to study it carefully. The President of the Council shall briefly acquaint the concerned Minister with the main issues that shall be raised by the members to enable him to make available all the necessary information and data to help the citizens follow up the matter in the questions. The members' questions shall be specific, direct and related to the Minister of the government official's work. The Minister of the government official may abstain from making answers for which they do not have enough information, or if the questions that are outside their competence. The Minister's answers or any inquiries about them should be given at an in camera meeting held at the Majlis or committee level, as necessitated by each issue raised for discussion. Clearly, this change can be considered as a 'backing away' in comparison with the previous term, which can be said to be the best term concerning the discussions in the Majlis.

6.7.12 The quorum

Articles 91 and 92

Half an hour before the opening of the meeting, lists shall be made available to the members to sign their names for attendance. Other lists shall also be available for the signature of the members at the end of the meeting, in accordance with the system approved by the Bureau of the Majlis. The President of the Council shall open the meeting provided that there is the attendance of two-thirds of the members. If a quorum is not reached at the opening of the meeting, the President shall adjourn the meeting for half an hour. If the quorum is still not reached after this time, the President shall adjourn the meeting until a later date.

6.7.13 The agenda

After the meeting is opened, the Secretary General shall read out the names of the members excusing themselves and those who are absent. Then the Majlis A' Shura shall consider the

subjects listed on the agenda (articles 93 and 94). Discussions on subjects not listed on the Agenda shall not take place unless so required by the Government or the President of the Majlis.

6.7.14 Priority of speeches

Articles 95, 96, and 97

The Secretary General shall file applications to speak as per the sequence of their request. No member shall speak at the meeting unless so permitted by the President of the Majlis. Apart from requests to expedite reports on subjects transferred to the committees of the Majlis, nobody shall be allowed to speak on any subject transferred to any of the committees unless the committee's report has been submitted and tabled. Without prejudice to any special provision regarding priorities of speakers, the President of the Council shall grant permission to members who wish to speak, as per the sequence of their applications and in compliance with the course of discussion. Any member who has filed an application to speak may waive his turn to another.

6.8 Government officials and the Majlis

According to articles 98 and 99, Government officials may appear before the Majlis or its committees as per their requests, and are obliged to appear in response to the Council's invitation, to deliver statements or clarifications about the policy of their ministry or the Government. The government officials, in such cases shall not have the right to vote. Any member may request clarification on a particular matter and hear the reply from the government official that delivers a statement or clarification as per his own request or in response to an invitation by the Majlis, provided that clarifications are in respect of an important issue of public interest.

6.8.1 The right to speak and order of speakers

Articles 100, and 101 stipulated that, the speaker must express his point of view. He should neither go beyond the subject in issue nor commit any violation to the due order and dignity of the meeting.

6.8.2 Amendments

Article 92 of Royal Decree No. 88/97 has amended article 100 of Royal Decree No. 97/91 as follows:

“When expressing his point of view, the member should not go beyond the subject in issue, should restrict himself to the rules of discussion and take care not to repeat his opinions or the opinions of those who spoke before him. Only the President of the Majlis has the right to remind the member that he has deviated from the subject in issue, or that his opinion has been clearly stated and the President may fix the time that he thinks suitable for any member to express, within its limits, his opinions about an issue. It is not permissible for any member to use inapt, vulgar or unseemly expressions that might harm the Majlis, the President of the Majlis, or its people and institutions, or offend public decency and order. Furthermore, it is not permissible to be involved in anything that contravenes the Basic Statute of the State, the dignity of the Government of the due order of the meeting.”

Nobody except the President of the Majlis shall interrupt the speaker or make any remarks to him.

6.8.3 Additions

Article 93 of Royal Decree No. 88/97 made an addition to this article:

...“If the President draws the attention of the member to a certain point twice during his speech in one meeting, and the speaker does not comply with the President’s request, the President may refuse to allow the member to speak for the rest of the meeting.”

6.8.4 Forbiddance from speaking

Articles 94, 95 and 96

If the Majlis has forbidden a member to speak but he does so, or tries to disturb the general order, the President of the Majlis may decide to remove him from the meeting hall. This will result in depriving the member from taking part in the Majlis’ proceedings for the remaining part of the meeting, and the member’s speech will not be recorded in the minutes, and he shall be marked as absent.

6.8.5 Enforcing the President's decisions

If the President decides to bar the member from attending the rest of the meeting, and the member fails to do so voluntarily, the President may suspend the meeting and take the necessary action to enforce his decision. In this case, the member will automatically be excluded from the next three meetings.

6.8.6 Apologies

"The member who has been deprived of attending the proceedings of the Council he/she may request suspension of the decision, as from the day after its issue, by expressing regret as to what has happened and apologize in writing for his disrespect regarding the decision of the President. The apology shall be read at the next meeting."

6.8.7 Keeping and editing minutes

Article 102

The Secretary General shall supervise the editing of the minutes of the Majlis meetings according to the direction of the President. The minutes of the meeting shall be signed either by the President of the Majlis or by the member presiding over the meeting, as necessary, and the Secretary General. The minutes shall be kept in the records of the General Secretariat of the Majlis. Nobody except the members shall be entitled to peruse these minutes.

6.8.8 Voting in the Majlis

Article 103

Voting in the Majlis A' Shura may be done either by the raising of hands or by any other means determined by the Majlis. In case of a failure to obtain a clear result by the raising of hands, calling the members' names shall do the voting. During the voting no discussion or new views shall be expressed. The President shall cast his vote after all the members have done so.

6.8.9 The recommendations and their declaration

Articles 104 and 105

The Majlis' recommendations shall be issued by a majority vote of, at least, two thirds of the attending members. The President shall declare the recommendations of the Majlis to the members according to the voting results. No comments on the recommendations shall be made after their declaration. The President of the Council shall also declare the suspension of the meeting or its termination as well as the date and time of the next meeting.

6.8.10 Minutes of sessions

Articles 106, 107, 108 and 109

The Secretariat General shall distribute the verbatim minutes of the session meetings after they are typed. Distribution shall take place at least three weeks before the beginning of the next session. Each member who attends the meeting shall be entitled to apply for endorsing the corrections he considers appropriate in the minutes of the said meeting. The member shall present the application to the Secretariat General in writing within ten days from the date on which he received his copy of the minutes.

The session's verbatim minutes shall be submitted to the Majlis at its next session and the verbatim minutes of each meeting shall be accompanied with the relevant applications for correction. When the Majlis approves the correction it shall be confirmed in the minutes of the meeting at which it was approved and the minutes of the previous meeting shall be corrected accordingly. No correction in the minutes shall be made after its endorsement. The President of the Majlis shall sign it as well as the Secretary General, and the minutes shall be kept in the records of the Council. The Majlis Bureau shall endorse the verbatim minutes of the last session at the end of the Majlis term.

6.8.11 Secrecy of the minutes

Article 106

The Secretariat General shall edit verbatim the minutes for every meeting in which all procedures, subjects, discussions and recommendations made shall be put into writing. The

Secretariat General shall also take appropriate measures to maintain the secrecy of these verbatim minutes.

6.8.12 Exclusions

In line with Article 107, of Royal Decree No. 97/91, the President of the Majlis may decide to exclude from the verbatim minutes any part of a speech delivered by a member in violation of the rules of these regulations.

6.9 The Majlis' affairs

6.9.1 The Majlis A' Shura's budget and accounts

Articles 110, 111 and 112 Since Royal Decree No. 98/91, note the Majlis A' Shura have enjoyed a budget independent from the State Budget. Based to Article 110 of Royal Decree No. 97/91. The Majlis' budget is independent from the State Master Budget, and is described as a lump sum figure in it. The Majlis Bureau shall consider the draft budget submitted to it by the President and make its appropriate recommendations regarding its items and means of expenditure. The budget of the Majlis shall be annually submitted to it for approval and shall be finally endorsed by the Sultan.

The Majlis Bureau shall formulate the rules for the organization of the Majlis accounts, means of expenditure, inventory and other financial affairs. The Majlis shall be solely responsible for the control of its own accounts and shall not therefore be subject to any supervision or audit by any other authority. Nevertheless, the President may seek assistance from the Secretariat General with auditing, preparing and submitting a report to him regarding the Majlis accounts, implementation of the budget or any other financial affairs.

6.9.2 Keeping order in the Majlis

Articles 113 and 114

Order inside the Majlis shall be solely maintained by it and the President of the Council shall specify in co-ordination with the competent authorities, the necessary security measures in this respect. Nobody shall be permitted to enter the premises of the Council except by special permission. And those who hold such permission should follow the

instructions issued to them by the concerned authorities or subject themselves to being expelled.

6.9.3 Final provisions

Articles 115, 116 and 117

With the exception of statements submitted to the Majlis by the Ministers or other government representatives in regard to ministry or government plans, no issue shall be submitted to the Majlis or be included on its agenda before the fulfilments of all its details, information and related studies. The Secretary General shall provide several files containing copies of all such details, information and related studies. The files shall be put at the disposal of members who wish to peruse them inside the Majlis premises before the meetings. These regulations shall not be amended except by a royal decree as proposed by the Majlis Bureau. Such a proposal shall include the articles that need to be amended and the reasons for their amendments, and it shall be submitted to the Majlis by the President to issue the recommendations concerning them.

6.10 Conclusion

It can be said that most of the workings and tasks of the main bodies and organs of the Majlis A' Shura reflect the real status quo of the Majlis as a result of very poor functions and a lack of legislative and controlling power, irrespective of the media or any other declarations in relation to. According to the regulations of the Majlis, the main role of the Secretariat General is in providing assistance to the Council and its organs and in the exercise of their competences. The Secretary General of the council has the same power, as that vested in an under-secretary of a ministry in the Government's administrative apparatus, to perform his competences and supervise the Council's financial and administrative department.

Ministers of services and other officials of the Government may appear before the Majlis or its committees as per their requests, and are obliged to appear in response to the Council's invitation to deliver statements or clarifications about the policy of their ministry or the Government. Any member may request clarification on a particular matter and hear the

reply from the government official that delivers a statement or clarification as per his own request or in response to an invitation by the Majlis, provided that clarifications are in respect of an important issue of public interest.

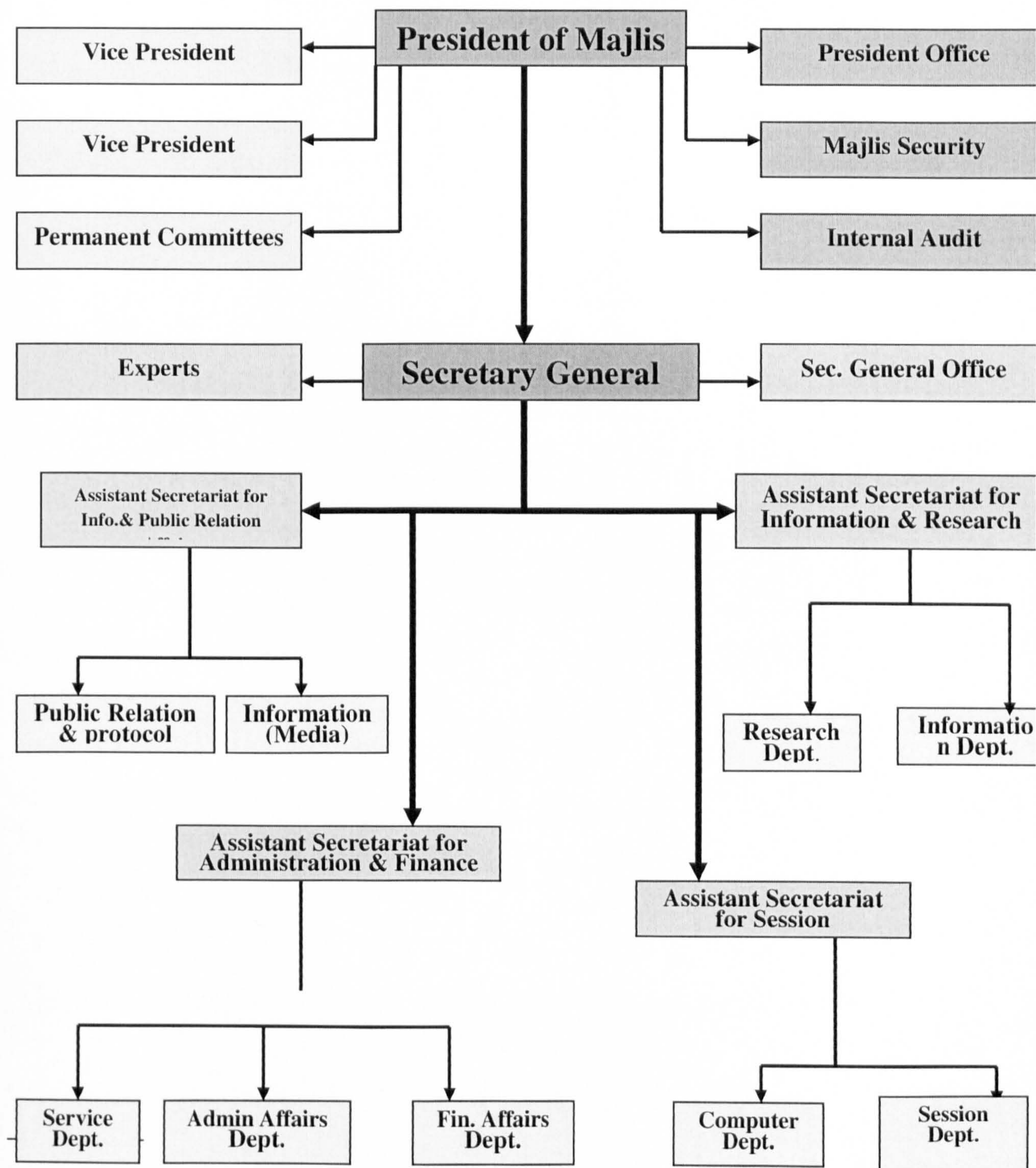
The President of the council has to refer the economic and social draft laws, presented by the Government, to the concerned committees for study and the submission of a report to the Majlis. Where a committee has introduced effective or substantial amendments to the draft law, it shall, before submitting its report, refer the issue to the Legal Committee for comments on the introduced amendments and the proper co-ordination of the provisions. The comments of the Legal Committee are then referred to in the final report.

The power of the Majlis A' Shura it is actually very limited. It has no legislative role and no control over the Council of Ministers, nor any power in the executive authorities. The Majlis may only review some of the laws and draft laws and even then its suggestions and proposals are not binding, particularly in the economic and social fields. The Shura Council can summon some of the public service Ministers to explain aspects of their ministry's affairs, achievements, policies and plans for the future, and to answer the questions which are put to them by the Council members, especially in the economic and social fields as well as such areas as health, education, social affairs and transport.

Although the Majlis can formulate its own budget the Sultan must endorse it. The Majlis A' Shura may act only on its own initiative in giving unbinding proposals to the Government relating to the economy, health, education and social development policies, and these are only recommendations. The Majlis can only discuss specific bills or draft laws submitted to it by the Government it cannot initiate new legislation or laws. Indeed, it plays no effective role in the legislative process. The members of the Majlis A' Shura feel that they are unable to play much of a role in major national policy-making. The Majlis is not allowed to discuss anything regarding politics in general, foreign affairs, finance, defence and security. These and others have all avoided testifying before the Majlis A' Shura. It is very clear that the Majlis A' Shura plays only a purely consultative role, reviewing proposed legislation and submitting suggestions and proposals to the ministries

of the services. Indeed the Majlis needs to be a real legislative body with the power to enable it to assume its hypothesized role in the different fields. Figure 2 shows the organisational structure of the Majlis A'Shura.

The Organizational Structure of Majlis A'Shura



In Chapter 7 we will discuss the main reasons behind the establishment of the Majlis A' Dawlah in 1997 and its relationship with Majlis A' Shura and the main common and different points between the two bodies.

Chapter 7

The Establishment of the Majlis A' Dawlah And its relationship with Majlis A' Shura

7.1 Introduction

A modern state is often built on constitutional institutions cooperating together for the welfare of the state. Among these institutions a parliament, which represents the people and plays a pivotal role in the political and social life of the citizens. The structure of parliaments varies according to the political system in which they operate. Some states adopted the one chamber system, while some adopted the two chambers (bicameral) system.

The State Statute of the Sultanate Oman (the Basic Law), which was published in 1996 called for the "Majlis Oman" Council of Oman to be formed from the two bodies, the Majlis A' Shura, which was established in 1991 and the Majlis A' Dawlah a fully appointed body that was established in 1997 in an effort to undermine the Shura, which was considered inactive.

The membership of Majlis A' Dawlah includes a number of specific categories, such as former Ministers, under- secretaries of ministries, former ambassadors, former retired officials and whomever the Sultan deems fit for office. All the members of the State Council are appointed by a royal decree, and they shall not exceed the number of members of the Majlis A' Shura - its term of office being also the same as the Majlis A' Shura. Generally the State Council has very limited power.

Based on several analysts, intellectuals, observers and according to the amendments of the 1997 on the system and regulations of the Majlis A' Shura (which will be detailed later) the

main reasons behind the establishment of the Council of Oman was to undermine the role of the Majlis A' Shura, which showed an ability to appear as an effective institution, especially in its second term before of these amendments. Without doubt, that the 1997 amendments more undermined the power and limited the role and functions of the Majlis A' Shura – which already restricted.

7.2 The periods of the Council

7.2.1 The first term (1997- 2000)

In its first term the number of members sitting on the State Council was not more than half of the number of the Majlis A' Shura members, according to Article 11 of Royal Decree No. 86/97. All of the members of the State Council were appointed by Royal decree, the President of the Council being appointed by a separate royal Decree. There was only one Vice-president selected in the first session from among the members. These provisions are set out in an Article 11 of the System of the State Council and Majlis A' Shura in the joint provisions of the two Councils as follows:⁸²

The State Council shall comprise a number of members not exceeding (half) the number of members of the Majlis A' Shura and they shall be appointed by a royal decree. There were only forty-eight members of the State Council in its first term, plus the president. The President of the State Council shall be appointed by a separate royal decree. The State Council shall select, in its first session, one of its members to be a Vice-president. The first plenary meeting of the State Council was held on 14th of January 1998 after being inaugurated by the Sultan, the meeting was opened by the President of the Council, and the Vice - president was elected.

7.2.2 The Second Term (2000-2003)

In the second term (2000- 2003) several amendments were made to Article 11, appertaining to an increase in the number of State Council members and Vice presidents: The State Council shall comprise a number of members not exceeding the number of Majlis A' Shura members and they shall be appointed by a royal decree. The President of the State Council shall be

⁸²S. of Oman Majlis A' Dawlah in its first period (1997-2000) p. 76

appointed by a royal decree. The State Council shall choose, in its first session, two of its members to become the deputies of the President.

Thus, in the first term, the number of State Council members could not be more than half the Majlis A' Shura, number, as limited according to the joint provisions of the two Councils. Therefore, any increase in the number of State Council members was dependent on a correlating increase in the number of Majlis A' Shura members. However, in the second term (2000-2003), the number of State Council members could equal that of the Majlis A' Shura after some amendments were made.¹ Based on these amendments, introduced by Royal Decree No. 50/2000, the members of the State Council increased to fifty- three, plus the President of the Council.

It should also be noted that there was no obligation in the first term for the number of members of the State Council to equal half that of the Majlis A' Shura, nor in the second term did it have to match the number of Majlis A' Shura members. Rather, in each term, Article 11 and its amendments stipulated only that the number of Council members must not exceed the number of members sitting on the Majlis A' Shura, but may be not reached the half, may be less.

The Vice-president, in the first term there had been only, whereas in the following term the post of deputy president was occupied by two Vice- presidents, according to the amendments to Article 11(c) of the joint provisions of the two councils issued by Royal No. 104/2000.²

The office of the State Council meets fortnightly and it has formed committees to examine, legal, social and economic issues. The plenary sessions of the Council to be held four times a year. The members of the State Council are Omani citizens of at least 40 years of age with suitable experience. They cannot hold any other civil service or other official post during their membership, nor are they eligible for membership of the Majlis Al-Shura. The

¹ *State Council. Royal Decrees of the State Council 2001 page 21*

² *State Council. Royal Decrees of the State Council 2001 page 21*

membership term was originally for three years and renewable, but, in the fifth (2003) term the membership period for both Councils was extended to four years and can be renewed. Forty-one were members of State Council in the first term, of which four of them were women.

The Council has to offer seasoned advice to the Sultan about its activities, and work closely in co-ordination with the Majlis Al-Shura. The Council of State does not have the same functions as the Majlis A' Shura (the Consultation Council). The most important aspect of the Council's work is the arranging of training courses and workshops on the Basic Statute of the State and the development of the modern legal system.

7.3. The membership and its conditions

The State Council comprises a number of members, not exceeding the number of the Majlis A' Shura, they are appointed by a royal decree, and are select from specific categories according to several important conditions.

7.3.1 The categories of membership

The members of Majlis Al- Dawla (the State Council) are selected from the following categories: Former Ministers and Under-secretaries or those of similar status, former Ambassadors, former senior judges, retired senior officers, those who are known for their competence and wide experience in the various fields of science, arts and culture, and university, college and higher institute lecturers, dignitaries and businessmen, persons who have rendered valuable services to the country, and any other person that the Sultan deems fit for office.

If for any reason a seat on the State Council becomes vacant before the end of its term, a substitute member is appointed by a royal decree to fill the vacancy until the end of the term.

7.3.2 Conditions of membership

Member of Majlis Al- Dawla (the State Council) must satisfy numerous of conditions, for example they must: be an Omani national by birth, in accordance with the law, be at least 40 years of age, be a person of high esteem and good reputation and have work experience, and not have been convicted of any offence of dishonesty unless granted a judicial pardon.

7.3.3 Exceptions to the membership

It is not possible for anyone to be a member of the two Councils (Majlis A' Shura and the State Council) at the same time, or hold any other public post during their membership. However, there is an exception to this rule. It is not allowed for anyone to simultaneously hold membership of the State Council and the Shura Council unless they fall into one of the two categories of citizens, specified in the paragraphs (e) and (h) of Article 12 of Royal Decree 86/07, who can hold simultaneously membership of the State Council and another public post. According to Article 16 citizens of these two categories may also hold membership of both Councils at the same time: *"It shall not be permitted for anyone to hold simultaneously the membership of the State Council and Majlis A' Shura, nor shall any other than the two categories mentioned in the paragraphs (e) and (h) of Article 12 hold simultaneously the membership of the State Council and a public post."* (e) Those who are known for their competence and wide experience in the various fields of science, arts and culture, and university, college and higher institute lecturers. (h) Any other person that the Sultan may deem fit to do so.

7.3.4 Relief from membership

According to *Article 14*, a member of the State Council may, by written application to the President of the Council, request his/her relief from the Council's membership, the President then submits the request to the Sultan.⁸³ There has been one case where this happened and one of the members requested his relief from Council membership and was replaced by another via Royal Decree No. 24/98.⁸⁴ If for any reason a seat on the State Council falls vacant, prior to the expiry of the Council's term, a substitute member is appointed by a royal decree until the end of that term.

⁸³ State Council. Royal Decrees of the State Council (2001) p. 23

⁸⁴ Majle A' Dawlah. Amarasim akhasah ba-alMajlis p. 54

7.3.5 Attending the sessions

Each member of the State Council must regularly attend the Council sessions and its committees, but if a member for any reason is not be able to attend he must inform the President of the Council, or the chairman of the committee, in writing. The members must not commit any act, whether inside or outside the Council, which contravenes the provisions of law or its regulations. They must also pay due respect to the State. Members must refrain from: (a). Leaking any information relating to the discussions of the Council Bureau or the committees and (b0. Allowing non-Council members to peruse the records of the minutes of the sessions of the state council, its Bureau or the committees, and the Bureau and committee members must not allow other members of the Council to peruse their minutes, except by written consent of the President of the Council.

7.3.6 Immunity

No penal action for a non-attested crime may be taken against any member of the State Council during the sessions without the Council's permission. Such permission shall be obtained from the President during the intervals between sessions (Article 6).

7.4. The Functions of the Majlis A'Dawlah

According to the amendments issued by Royal Decree No. 104/2000, the State Council has for the purpose of achieving its aims the following functions: Preparing studies, which will contribute to the implementation of development plans and programmes and assists in finding appropriate solutions to economic and social impediments; offering proposals for encouraging investment in the production, service and resource development sectors; offering studies, consultation and proposals in the field of policies, plans and programmes related to administrative reforms and the improvement of performance; revising draft laws before steps are taken for their promulgation, with the exclusion of administrative and procedural laws and the laws that the Council of Ministers recommends to be submitted directly to the Sultan The State Council shall submit its recommendations in respect to draft laws to the Council of Ministers.⁸⁵; and studying and giving views on issues that serve the

⁸⁵ Royal Decree No.104/2000

public interest which may be referred to the Sultan or the Council of ministers, and expressing its opinion thereon. The State Council also submits the results of its studies, proposals and recommendations to the Sultan or to the Council of Ministers as the situation requires. The members of the State Council, in all cases, are not allowed to exploit their posts to obtain personal privilege and must refrain from raising any personal issues for discussion before the Council.

7.5. The main bodies of the State Council

The main bodies of the State Council are defined as follows:

1. The President
2. The Council Bureau
3. The Council committees
4. The Secretariat General

7.5.1 The President

The President of the State Council has, on the basis of his position, numerous tasks. For instance, he supervises the progress of all activities of the Council and ensures its compliance with the laws of the country and its regulations. However, he may seek assistance, to this end, from either his Vice-presidents or the Bureau of the Council. The Council President opens, chairs, prorogues and controls the deliberations of the sessions. He permits the members to speak at the Council meetings, determines the issues put forward for discussion, and directs the speaker to stick to the matter under discussion, and the terms of the regulations. If any speech made is contrary to the directions of the President it is deemed null and void and deleted from the record of the session. After the discussion of the issues that have been put forward, the President shall put the issues to a vote and declare the resulting recommendations of the Council.

The President may invite any of the Council committees to convene to discuss an important or urgent subject and chairs the meetings of such committees in the event of his attendance. The President represents the Council in any communications with other organizations and

authorities and is the spokesman thereof. He also supervises the preparation of the Council budget, and submits it to the Bureau for discussion before it being submitted to the Council for approval.

The President of the Council also supervises the Secretariat General and all the administrative, financial and technical affairs of the Council. However, the he may assign some of his functions to one of his two deputies, he may also delegate either of them to preside over Council and Bureau meetings, in such an event the assigned Vice-president has the same powers as vested in the President with regards to the administration of the meetings.⁸⁶

Based on article 14 of Royal Decree No. 87/97, the President has the same power as vested in a Minister or the head of a governmental unit regarding the financial and administrative affairs of the Council and its staff.

7.5.2 The State Council Bureau

The State Council Bureau is considered as an important organ of the Council. It consists of the President, his two deputies and four others selected from among the members. The Bureau administrates and supervises all the Council activities in its different fields. Article 20 of Royal Decree No. 86/97 stipulated that: “the State Council shall have a Bureau comprising the President of the Council, the two deputies of the President and four members who shall be chosen by the Council in its first session.”⁸⁷

One of the Bureau’s tasks is setting up a plan for the activities of the Council and its committees in order to ensure the orderly progress of the work. It supervises the Council activities and its committees, provides assistance to the Council committees, and sets up provisions regulating the administration of their tasks and co-ordinating their activities according to the provisions of the regulation. The Bureau also performs the activities of the Council once it is prorogued. The Bureau may entrust any committee with the study of a

⁸⁶ State Council, the Royal Decree of the State Council No104/2000 2001 p. 35

⁸⁷ State Council, Royal Decree of the State Council No. 104/2000 2001, p. 24

specific issue and submit a report of the results of its study and recommendations. It may decide to submit such a report to the Council or to take it to wherever it may deem appropriate in respect thereof.

The Bureau participates with the Secretariat General in setting up the agenda of the sessions according to the prescribed plan of action provided. Priority is given to the issues referred to the Council by the Sultan, the Government and those issues that have fulfilled the necessary conditions. The Secretary General declares the agenda and notifies the members thereof at least two weeks before the convening of the session. The Bureau may select the delegates to represent the State Council inside or outside the country. Such delegates have to submit reports to the Bureau regarding these tasks and visits.

According to Article 23 of Royal Decree, the President of the State Council shall invite the Council Bureau to periodical as well as extraordinary meetings. The Bureau meetings are not valid unless a majority of its members attend, among whom must be the President or one of his deputies. Decisions of the Council Bureau are taken by a majority of the members present, including the President or one of his deputies, in the case of his absence. Apart from its members, the Secretary General and other members of the Council, members of Council staff or Government officials who are so permitted shall only attend meetings of the Bureau.

If for any reason a Bureau seat becomes vacant, the Council selects another member in accordance with the Bureau's nomination. Besides the above functions, the Council Bureau supervises all the financial and administrative affairs of the Council in accordance with provisions set up by the Bureau for this purpose and approved by the Council.

7.5.3 The committees

The committees of the State Council are very important for the Council to assume its tasks. Study a number of public matters according to their remit. There are two kinds of committees, permanent committees, such as the legal and economic committees and Economic, and the Council may also decide to form special committees to study a specific

issues, and report their findings to the concerned authorities. The State Council has established a number of permanent committees, which are ongoing and convene regular meetings to study subjects concerning the tasks of the State Council and raise reports to the Council.

In line with Article 25 of the Internal Regulations, the State Council may resolve to form permanent committees as the nature of its functions and tasks require, provided they establish a permanent Legal Committee and Economic Committee. Each of the permanent committees is made up of a number of members as determined by Council and proposed by the Bureau at the beginning of the first session. When forming these committees the effective performance of their functions should be kept in mind. After its formation, each committee selects chairman and deputy chairman from among its members. Absolute majority makes such selections. The secretariat duties of the committee are entrusted to one of the Council staff. At the beginning of each session the committees determine, within their remit, the issues that require study and decide their priorities for the session. The committee forwards a report to the President to be submitted to the Council. Each of the permanent committee studies draft laws on any subject referred to it that falls within its remit, and sets its agenda subject to the suggestion of its chairman. The chairman of each committee administers its activities, and the deputy chairman has the same rights in the case of his absence. Each committee convenes by an invitation issued by the chairman or his deputy. Such invitations should be made leaving sufficient time before the date fixed for the meeting.

The meetings of the committees are not made public. A quorum is not attained unless the meeting is attended by at least by two-thirds of the committee members; decisions are passed only by a majority of the attending members.

In pursuance of the study of any subject within its remit, each committee may request from any government or public entity, through the President, any statements or any other information deemed necessary. The committees may also seek the approval of the Council to pay field visits in relation to issues under study.

Each committee may form one or more sub-committee to study specific issues. The regulations and procedures of the permanent committees are applied to the sub-committees. The committee submits its report to the President to be listed on the agenda, and the report is distributed to the members of the Council for review at least some days prior the date of the meeting fixed for discussing it.

The reports include the committee's opinion on the issues and the reasons thereof. If the issue referred to the committee was a draft law, its text is attached to the report. For each report submitted, the committee appoints a reporter to present it to the Council. In the case of the reporter's absence, the President may nominate one of the committee members to present the report. Furthermore, the report is submitted to the Council on a fixed date. Minutes are taken for every committee meeting, and include the names of the attending and absent members, a summary of the deliberations and the text of the resolutions, and are signed by the chairman and his secretary.

The State Council may decide there is a need for a special committee to study a specific subject or issue; such committees are disbanded after performing their duties or upon a decision issued by the Council. If the Council has approved in principle the formation of a committee the President selects its members and chairman and reports their names to the Council at its next meeting.

The State Council may, on the recommendation of the President, refer a subject for study to a joint committee. A joint committee is presided over by the chairman of the committee originally entrusted with the study of the subject in question. Any correspondence between the chairman of this and other committees is made through the President of the State Council.

7.5.4 The Secretariat General

The Secretariat General of the Council is the administrative and technical apparatus which plays an important role in helping the Council and its different organs to exercise its tasks

as required, and assumes the execution of Council decisions and its administrative, financial and technical affairs.

The Secretariat General consists of the Secretary General and those who assist him, such as assistant secretaries and the staff of the department and sections listed in the organizational structure of the administrative apparatus promulgated by a decision from the Council.

The Secretariat General assumes the tasks necessary for providing assistance to the Council and all its organs in order to exercise its functions and responsibilities according to the general organisational provisions set out by the Council Bureau and sanctioned by the Council.

The State Council, according to the Secretariat General's proposal in co-ordination with the Council Bureau, sets out the regulations organizing the personnel affairs; the Civil Service Law, and its Executive Regulations, govern issues not covered by these regulations (Article 46 of the provisions of membership)

The Secretary General of the State Council also assumes the functions and tasks vested in him by the regulations, which specifically include the following:⁸⁸ The supervision of departments and sections of the Secretariat General and the distribution of tasks between them. All the departmental and section officials shall submit the outcome of their performance to him. The Secretary General shall be responsible to the President for the progress of the performance. Attendance at the meetings held by the Council and the Council Bureau and the committees. Supervision of the editing of the minutes of the Council sessions and announcing them to the members, according to the President's instructions or his deputy, as the case may be. Any other duties assigned to him by the Council, the President or the Council Bureau. The Secretary General of the State Council shall have the same powers as vested in an Under-secretary of a ministry in the Government's administrative apparatus while performing his duties and supervising the Council's financial and administrative departments.

⁸⁸ State Council, the royal decrees p. 41

7.5.5 The Council's duties and rules of performance

7.5.5.1 Draft laws

The President of the State Council shall refer to the concerned committees draft laws received from the Government for necessary study and submit reports to the council (amended by Royal Decree No. 105/2000). In a case where the concerned committee has introduced important and effective amendments to a draft law, it, before submitting its report, refers the subject to the Legal Committee for comments on the introduced amendments and the proper co-ordination of the provisions. The concerned committee then refers, in its report, to the comments of the Legal Committee.

The State Council shall begins by discussing the general concept of the subject and if this is approved in principle detailed discussions are undertaken, going through the draft section by section. In the case where the committee's report introduces amendments to some sections only, opinions are taken first on the amendments and then on the section as whole.

The State Council may revise draft laws received from the Government together with the Majlis A' Shura in order to submit joint recommendations to the Council of Ministers (amended by Royal Decree No. 105/2000)

7.5.5.2 Studies, proposals and recommendations

According to Article 52 of the Internal Regulations of the State Council issued by the Royal Decree No. 87/97, the Council Bureau shall ask the committees to study any of the issues stipulated in paragraphs, (a), (b), (c) and (e) of Article 18 of the System of the State Council and Majlis A' Shura, and prepare reports on the results of these studies. The paragraphs of Article 18 are as follows: Preparing studies which will contribute to the implementation of development plans and programmes and assist in finding appropriate solutions to economic and social obstacles. Submitting proposals for encouraging investment in the production, service, resources and development sector. Submitting studies and proposals on policies, plans and programmes related to administrative reform and performance improvement. Revising draft laws before steps are taken for their promulgation, with the exclusion of administrative and procedural laws and the laws that the Council of Ministers recommends to be submitted directly to the Sultan. The State Council shall submit its recommendations

of draft laws in respect to the Council of Ministers. Studying the topics that serve the public interest as may be referred thereto by the Sultan or the Council of Ministers, and expressing its opinion thereon.

According to Article 52 of the Internal Regulations, the Council Bureau shall submit the committee reports to the Legal Committee for necessary study. A joint meeting is held between the concerned committee and the Legal Committee for that purpose. Finally, the reports of the committees and the results of the studies are referred to the Council for suggestions and recommendations regarding the matter.

7.5.5.3 Procedures of the sessions

Articles 55 and 56

The rules of the Council shall determine the number and dates of the meetings during each session. A meeting may be adjourned by Council approval to an unspecified date. In such a case the President shall fix the date of the following meeting and notify the members of the Council thereof. The President may, if necessary, convene a meeting before the fixed date fixed. The Council meetings shall not be held in public and shall not be attended except by the members of the Council, the Secretary General, members of staff permitted to attend and others who may be invited.

7.5.5.4 The quorum and adjournment of the meeting

Articles 57 and 58

Lists shall be made available to the members, half an hour before the opening of the meeting to sign their names for attendance. And other lists shall also be available for the signature of the members at the end of the meeting in accordance with the system approved by the Bureau of the Council. The President of the Council shall open the meeting provided that there is an attendance of two-thirds of the members. If a quorum is not reached at time of opening, the President of the Council shall adjourn the opening for half an hour. If a quorum is still not reached after this time, the President shall adjourn and fix a future date for the meeting.

7.5.6 The agenda of the meeting

Articles 59 and 60

After the meeting is opened, the Secretary General shall read out the names of the members excusing themselves and those who are absent. Then the Council shall consider the subjects listed on the agenda. No discussions shall take place on a subject not listed on the agenda unless so required by the Government or the President of the Council.

7.5.6.1 Order of speeches

Articles 61, 62 and 63

The Secretary General shall file applications to speak as per the sequence of their request. No member shall speak at the meeting unless so permitted by the President of the Council. Except requests that will expedite a report on a subject transferred to the committee, nobody shall be allowed to speak on any subject transferred to any of the committees unless the committee's report has been submitted and tabled. Without prejudice to any special provision regarding priorities of speeches, the President of the Council shall grant permission to members who wish to speak, as per sequence of their applications and in compliance with the course of the discussion. However, any member who has filed an application to speak may waive his turn to another.

7.5.6.2 The right of expression and order

Articles 64 and 65

When the speaker is expressing his opinion or point of view, he should not go beyond or deviate from the subject under discussion, should abide and restrict himself to the rules of discussion and take care not to repeat his speech or the speeches of those who spoke before him. The President of the Council only may draw the attention of the speaker to such deviation and point out that there is no need to elaborate further. The President, if he thinks fit, may fix the time that he thinks suitable for each member to express his opinions about an issue. The member should never utter obscene words, improper sentences or expressions that might harm the dignity of the Council, the President, or any other persons, institutions or authorities, or disturb the general decorum and offend public decency and order.

Furthermore, the member should not breach the Basic Law of the State or the prestige and dignity of the Government or the due respect of the sessions.

Except the President of the Council, nobody shall interrupt the speaker or make any remarks during his speech. If the President draws the attention of the speaker twice in one session and the speaker continues to ignore the President's remarks, the President may forbid him to speak on the same subject for the rest of the session. Where the President decides to prevent a member from delivering a speech and that member does not adhere to the order, the President may decide to remove him/her from the hall and prevent him from attending the rest of the session. In such a case the speech of the member will be excluded from the minutes, and he/she shall be considered as absent.

7.5.6.3 Enforcing the President's decision

Article 67

In a case where the President decides to bar a member from attending the rest of the meeting, and if the errant member does not quit voluntarily, the President may suspend the meeting and take the necessary action to enforce his decision. In this case, the member will not automatically be permitted to attend the next three meetings.

7.5.6.4 Apologies

Article 68

A member who has been deprived of attending the proceedings of the Council as per the above article, may request suspension of the decision as from the next day of its issue by expressing regret as to what has happened and apologize in writing for his disrespect regarding the decision of the President. The apology shall be read at the next meeting.

7.5.6.5 The minutes of the Council

Article 69

The Secretary General shall supervise the editing of the minutes of the State Council meetings according to the direction of the President. The minutes of the meeting shall be signed either by the President of the Council or by the member presiding over the meeting, as the case may be, and the Secretary General. The minutes shall be kept in the records of the Secretariat General of the Council. Nobody except the members shall be entitled to peruse the minutes of the Council meetings.

7.5.6.6 Ways of voting in the State Council

Article 70

Voting in the Council may be taken either by the raising of hands or by any other means determined by the Council. In case of a failure to obtain a clear result by the raising of hands, voting shall be obtained by calling the members' names. No discussion or new views shall be expressed during voting. The President shall cast his vote after all the members have done so.

7.5.6.7 Recommendations and declarations

Articles 71 and 72

The Council's recommendations shall be issued by a majority vote of at least two-thirds of the attending members. The President shall declare to the members the recommendations of the Council according to the voting results. No comments on the recommendations shall be made after their declaration. The President of the Council shall also declare the suspension of the meeting or its termination as well as the date and time of the following meeting.

7.5.6.8 Secrecy of the minutes

Article 73

The Secretariat General shall edit verbatim the minutes of every meeting in which all procedures, subjects, discussions and recommendations made shall be put in written. The Secretariat General shall also take appropriate measures to maintain the secrecy of these verbatim minutes. The President of the Council may decide to exclude from the verbatim

minutes any part of a speech delivered by a member in violation to the rules of the Internal Regulations. The Secretary General shall type and distribute the verbatim minutes of the session meetings and submit them to the members at least three weeks before the beginning of the next session.

Each member who attends the meeting shall be entitled to apply for corrections he considers appropriate to be made to the minutes of the meeting. He/she shall present the application to the Secretariat General in writing within ten days from the date on which he received his copy of the minutes. The minutes shall be submitted to the Council at its next session, and the verbatim minutes of each meeting shall be accompanied by the relevant applications for correction. Where the Council approves a correction it shall be confirmed in the minutes of the meeting at which it was approved and the minutes of the previous meeting shall be corrected accordingly. No correction to the minutes shall be made after their endorsement by the signatures of the President of the Council and the Secretary – General, and the minutes shall be kept in the records of the Council. The Council Bureau shall endorse the verbatim minutes of the last session at the end of the Council term.

7.5.7 The Council's affairs

7.5.7.1 The budget and accounts of the Council

Articles 77, 78 and 79

The budget of the Council is independent from the State Master Budget, and shall be inscribed as a lump sum figure. The Council Bureau shall consider the draft budget submitted to it by the President and make appropriate recommendations regarding its items and means of expenditure.

The budget of the Council shall be annually submitted to it for approval and shall be finally endorsed by the Sultan.

The Council Bureau shall formulate the rules for the organization of the Council's accounts, means of expenditures, inventory and other financial affairs. The Council shall be solely responsible for the control of its own accounts and shall not therefore be subject to any supervision or audit by any other authority. Nevertheless, the President may seek

assistance from the Secretary General in their preparation, and submit a report to him regarding the Council's accounts, the implementation of the budget and any other financial affairs.

7.5.7.2 Keeping order in the Council

Articles 80 and 81

Order inside the Council shall be solely maintained by it, and the President of the Council shall specify, in co-ordination with the competent authorities, the necessary security measures in this respect. Nobody shall be permitted to enter the premises of the Council except by special permission. And those who hold such permission should follow the instructions issued to them by the concerned authorities or otherwise subject themselves to being expelled.

7.6. The Relationship with Majlis A' Shura

In November 1996 the Sultan was enacted via Royal Decree No. 101/ 96 the Basic Statute of the State, that deal in its fifth chapter with the Council of Oman, which comprises the two councils: the Majlis A' Shura and Majlis A' Dawlah. The Basic Statute of the State (*Article 58*) The Royal Decree No. 86/97 has been issued to form the Councils of Oman in December 1997 included the regulations that rule the work of the Council in its sessions.

The Sultan opens the Council of Oman (every new term) at the commencement of each new term of the Shura and State Council. He may also invoke a joint sitting of the two Councils to discuss certain issues determined by him when the need arises. In this case, no other issues shall be discussed. These joint sessions are chaired by either the President of the Majlis A' Shura or the President of the State Council as specified by a Royal Decision.

All the members of the two Councils should attend the opening session of the Council of Oman and other sessions that may be called by the Sultan. In addition to the joint sessions, there are another joint sessions between the Oman Council and the Defence Council, as stipulated in Article 7 of the Basic Statute of the State no member of the two Councils is allowed to absent himself from attending any of these sessions except for extraordinary

reasons. For the recommendations of a joint session called by the Sultan to be issued there needs to be a majority of the votes of the attending members, excepting the President, who has the casting vote if the votes are equal. Both of the two Councils enjoy a legal entity and administrative and financial independence.

7.6.1 The common provisions of the two Councils⁸⁹

With reference to the rules of the establishment of the Shura Council and the State Council, there are numerous common provisions between the two councils: Each of the two councils (the Shura Council and the State Council) has its own legal entity and financial and administrative independence. The membership period of both the Majlis A' Shura and the State Council was three years until 2003, since then the period of the membership of the two councils became four years, starting from the date of declaring the final election results with regard to the Majlis A' Shura, and from the date specified in the appointment decree in the case of the State council, and the membership term expires by the end of the September that precedes the next term for the two Councils unless the membership has already expired for any other legal reason. The membership of the two chambers, since the fifth term (2003), may be renewed for further similar periods in accordance with the law.

Regarding to the renewal of the membership terms of the two councils it was different before the recent amendments, which were issued after the election results of the fifth term (2003).

Before these amendments, the membership period of the two councils was three years, and this membership could be renewed for similar (unlimited) periods, in the case of the State Council, while the membership of the Shura Council since the third term (2000-2003) to fifth term was limited to only two consecutive maximum, then it is became unlimited again according to Article 3 of Royal Decree No. 94/91.

7.6.2 The oath of the Presidents and members of the two Councils

Before assuming his duties, the Presidents of each of the two Councils makes the following oath before the Sultan: “ *I swear, by the name of Almighty Allah, to be allegiant to His*

⁸⁹Majlis A' Shura document of establishment p. 28

Majesty the Sultan and to my country, and to respect the Basic Statute of the State and enforceable laws, and to maintain the security of the state as well as the basic principles and authentic values of Omani society, and to perform my duties in the Council and its committees with full responsibility and trust.”

All the members make the same oath, each before his respective Council, before assuming their duties. Both the Majlis A’ Shura and the State Council shall have a General Secretariat formed of the Secretary General and a number of assistants and employees. The Secretary General of the two bodies shall be appointed by royal decree and shall be given the status of an Under-secretary. Both the Shura Council and the State Council shall convene an annual session.

The President of each Council may call extraordinary sittings if deemed necessary. The Sultan inaugurates the annual sessions, in a plenary sitting of the two Councils, and delivers a royal speech. A regular session of each Council commences after the joint sitting. The Council of Ministers shall allocate two annual meetings with the two councils. The President and members of the Bureau of the Shura Council, and the President and members of the Bureau of the State Council shall each attend one of these meetings. These meetings are held between the Council of Ministers and the two Councils separately, shall be devoted to following up the co-ordination between the Government on the one hand, and either the Shura Council or the State Council on the other. The Council of Ministers may form a joint committee with either the Majlis A’ Shura or the State Council. This committee shall undertake the co-ordination of the relations between the Government and either of the two councils on issues that serve the public interest, particularly with regard to the recommendations referred by the Sultan to the Government to explore its opinion about the feasibility of executing these recommendations, or to identify the best means of utilizing them. The committee shall also undertake the preparations for this annual co-ordination meeting.

The ministries, government departments and public authorities and institutions shall co-operate with the Majlis A’ Shura and the State Council to make their tasks easier and to

furnish them with any necessary data or information related to the fields of their competence. The President of each Council is appointed by a separate royal decree. The President of the Shura Council and that of the State Council shall submit annual reports to the Sultan on the results of the work of their Councils. The entitlements of the two Presidents and the remuneration of the members shall be determined by a royal order.

The members of either Council shall relinquish their membership in the following cases: If the member fails to meet any of the conditions of membership; if the member has lost the confidence and esteem of the Council; and if the member fails to perform his duties according to the provisions to that effect. Membership on the two councils cannot be held jointly. In addition, the membership of either Council is not allowed to be held simultaneously with any other official post, except for the categories of membership of the State Council mentioned in paragraphs (e) and (h) of Article 12 of the Rules of Establishment of the State Council and the Majlis A' Shura, who are allowed to hold simultaneously the membership of the Majlis Al- Dawla (the State Council) and other public office.

In terms of mechanisms there are similarities between the two bodies: They are both financially and administratively independent; the term of membership at the present time is 4 years instead of 3 years in the past; the number of sessions is also the same; each one of the assemblies has the right to form its standing and special committees or whatever committee it deems necessary; a separate Royal Decrees nominates the president of each of the two bodies as a minister; and a Royal Decree nominates the Secretary General of each of the two councils as a deputy Minister.

7.6.3 Membership Exceptions

Exceptions include: people of competence and expertise in the fields of, science, literature and culture, in addition to academics of the university, colleges and institutes of higher education and whoever is deemed fit by the Sultan for membership of the Majlis A' Dawlah (the State Council). It is noticeable that these exceptions are restricted to the State Council. So, they do not apply to the membership of the Majlis A' Shura. This means that

membership of the Majlis A' Shura cannot be combined with any governmental posts, there are no exceptions at all to date, accordingly, each member of the Shura Council has to resign automatically from any existing official post. Their relation with the official authority, as well as the similarities of some points between the two Councils defines the relation between the two councils.

7.6.4 The relation of the two Councils with the Sultan

Article 2 of the statute of "Majlis Oman" states that the Sultan initiates the two bodies at the beginning of each period. The Sultan may call the two bodies for joint sessions to discuss particular issues suggested by the Sultan - in this case no other issues are allowed to be discussed. The mixed sessions are chaired by either the president of the Majlis A' Shura or the president of the State Council according to the Sultan's decision. All members of the two chambers are required to attend opening sessions of Majlis Oman and mixed sessions called for by the Sultan in addition to a particular session shared by the Majlis of Oman and the Council of defense as stated in Article (7) of the Statute of the State. The attendance in these sessions is compulsory unless there a compelling reason requires otherwise. Article 3 of the statute of both the Majlis A' Shura and the Council of State requires the two presidents to take the oath before the sultan before assuming their responsibilities.

7.6.5 The relation of the two chambers with the Cabinet

Article (7) of the Common Provisions of the two councils states that the Council of Ministers shall allocate two separate annual meetings between the two bodies and the Cabinet. One shall be attended by the president and the members of the bureau of the Majlis A' Shura, and the other by the president and the members of the Bureau of the State Council. The purpose of these meetings is to follow up the co-ordination between the government on the one hand, and either of the Shura Council and the State Council on the other. According to the aforementioned article, the cabinet may form a shared committee involving the members of the two chambers, and the Council of Ministers to follow up with the recommendations of the Sultan, the extent to which they are put to work and to suggest ways to capitalize on them, as stated. Among the jobs of the

committee is the preparation for the annual meeting mentioned above. Article 8 of the Common Provisions of both the Majlis A' Shura and the State Council states that the government and public administrations cooperate with the two representative bodies to facilitate their work and provide them with needed information that fall within their domain.

7.6.6 The differences between the two Councils

7.6.6.1 Majlis A' Shura

Members of the Majlis A' Shura are recently elected except for the president. Members of the Majlis A' Shura represent the wilayat (provinces) pursuant to the number of population in each province. Thus one member represents a province of less than 30.000 while two members represent provinces of 30.000 or more. The Majlis A' Shura has the authority to comment on any issue brought before it by the government and provides (unbinding) suggestions to the cabinet. The Majlis A' Shura has the right to provide ideas to the government in issues related to public services and suggest solutions to develop them, in addition to its right in proposing (unbinding) amendments to some economic and social laws. Members of the Shura Council have the right to address questions to ministers of public services within the domains under the authority of the assembly. The Majlis A' Shura may propose issues for discussion with some ministers. The Majlis A' Shura receives annual reports from ministries of public services on their achievements, and invites ministers for further details as required by the assembly.

7.6.6.2 The Council of State

The main point of divergence between the Council of State and the Majlis A' Shura is that the Sultan appoints all members of the former. This would bring the Council of State closer to the executive bodies and distance it from the Majlis A' Shura authority. The Council of State has no authority to call a minister for questioning, as is the case with the Majlis A' Shura. The members of the Council of State do not represent the *wilayats* (provinces), as is the case with the Shura. According to Article 14 of the Royal Decree 86/97 any member of the Council has the right to request the President to be discharged from his duties and removed from the Council membership.

The President seeks the consent of the Sultan. This is an example of what happened when a member was substituted because of his resignation under the Royal Decree 24/98 dated 11 April 1998. The Council's members should not outnumber the Shura members appointed by royal decree. The situation was different before this decree as the number of Council members had to be less or equal to half of the Shura members. This is in line with Article 11 of the Royal Decree 86/97. It is very clear that the amendments introduced through the bylaws of the Majlis A' Shura by the Royal Decree 86/97 have far reaching negative results on the performance of the Shura and its development (this will be discussed further in the Chapter 8 evaluation). The issue here is that there exists no provision in the bylaws to precisely manage the relations between the two bodies and to establish bridges between them, as there is no mechanism of coordination to bring about harmony between the two bodies.

7.7sionConclu

There is in fact a total separation between the two councils except in the joint sessions held at the beginning of each new period under the patronage of the Sultan. The Majlis is meant to be a two-chamber system (parliament). Each of which has its own regulations and authorities. The statute of the state gives the authority of the functioning of the two Councils to the bylaws of each of the two chambers. This would enable the two bodies to review the bylaws when need, and this is exactly what happened with the emergence of the Royal Decree 86/97 which amended some of the most important provisions of the Royal Decree 94/91 on the establishment of Majlis A' Shura.

However much more important is the lack of harmony between the two bodies which perpetuates the problem of coordination even in trivial issues. Some of the bylaws are not in tune with the Statute of the State the "Basic Statute". In addition to this, these amendments have raised strong controversies as many considered them a real deterioration in the previous roles and authorities of the Majlis A' Shura, which were formed and considered as a minimum level. It is important to note that the Council of Oman is not an independent third body separate from the two Councils, but that it is actually a joint meeting held between the two councils at the beginning of every new

term. In the last few years the Sultan has delivered his annual speech in a joint meeting of the two councils.

Chapter 8 focuses on the survey of the peoples' opinions through a number of questions concerning the reasons behind the establishment of the Majlis A'Shura its power and how it can improve and become more politically active

Chapter 8

The Survey of the citizens' opinions

8.1 Introduction

The importance of public opinion in deciding on national issues is indisputable. It has always been regarded as an indispensable norm on which different disputes are resolved. On the academic level - such as academic researches and studies- public opinion may, as well, serve as a decisive criterion in the process of assessing divergent point of views especially in issues related to the public, thus, questions were devised to be inquisitive as well as dialogical. The purpose is to give the respondent the chance to speak his mind and answer in a manner he deems appropriate. Many questionnaires put the respondent in the yes / no choice, which is, as far as the researcher is concerned rigid and counterproductive. However, I adopted a unique strategy relevant to the context of this study in line with required standards. For this purpose, the questions were examined and approved by Professor Anoush Head of School of Government and International Affairs, the supervisor of this thesis and a number of specialists and professionals.

In this regard I have mainly used two methods aiming as much as possible to pull off an objective public opinion through objective answers as I explained in the beginning of the interviews questions: Direct meetings (face to face) and giving a time as required by the people questioned.

Many people who were questioned required enough time to prepare their answers as they realized that the interview comprised serious questions. Such interview questions would undoubtedly generate some reservations had the answers been electronically recorded, as there is a general conviction that one's answer may be used against him or her. Such rigorous questions are unique especially in political issues where there is a general tendency to be uncritical and usually reserved. Thus some interviews were written and enough time was given in order to obtain as much accurate response as possible.

The sample was selected in order to provide a cross-representation of differing sectors of the educated society. This was achieved by approaching representatives of the University and also various schools, as a result of my own researches, in addition to various decision-makers and individuals of influence within Omani society. Each was presented with the questionnaire and thus the sample became to an extent, self-selecting after the initial decision on whom to include, since not all individuals responded.

During discussions, I found that there were several different reactions from the public with regard to the survey. Some were of the view that the questions were precise and well oriented not to mention that they displayed a sense of bravery and daring. For this reason they showed their determination to be candid and objective. Others, despite the fact that they agreed on the importance of the questions, have expressed their concern as their answers may create problems for them especially for those who hold important positions in the state, as well as most of the members of the two councils, Majlis A' Shura and Majlis A' Dawlah.

For the sake of confidentiality, the respondent was not asked to give his /her name or information pertaining to their educational level or position. Some thought they were not concerned with questions related to the Majlis A' Shura and the Council of State as they had little information about them, while others preferred to direct such important questions to academicians whose knowledge and expertise allowed them to provide more accurate answers. We explained thoroughly the purpose of such a field study. It was not a matter of knowledge but rather the aim was to collect information from random samples of citizens on issues related to some political institutions.

Although many have refused to provide me with answers, respondents from all classes and levels of society warmly welcomed this field study. I was successful to get more than 120 answers from important officers, academics, intellectuals and other groups of both genders. The majority of the answers shared the view that the Majlis is weak and that it needs to become capable of influencing the process of decision making in the country.

It is worth mentioning that a large number of people were fortunately aware of the significance of the questions. Thus they were determined to provide candid answers as the issues are linked to the well being of the citizens. This truthfulness they believed would eventually contribute to the progress of the society contrary to pretense and flattering opinions, which in due course lead to self-destruction

According to many experiences the privileged group lacks the readiness for sacrifice and the quality of courage by being true to what they say. On the contrary underprivileged people are ready to tell the truth, as they have nothing to loose but deprivation.

8.2 Answers to the questionnaire

Question: 1

In your opinion, what are the main reasons (internal and external) behind the establishment of the Majlis A' Shura?

The majority (98%) was of the view that among the reasons behind the establishment of the Majlis A' Shura are: The improvements witnessed in the people's awareness of the political turmoil the country went through many years ago, an accumulations of several factors, such as impacts of the nationalist and patriot movements in the Gulf region, particularly the revolution in Oman (Dhofar) with its blow in the whole region, as well as, the impact of the political activities of different groups and individuals in the Gulf countries based on an ambitious political programs, struggling for the freedom, democracy, the right of participation in political decision making and the strengthening of civil society.

The existence of a number of university graduates whose diversified education helped them to have a say on the situation of their nation, adding to them a number of businessmen who have the ambition to be politically represented so that they can influence the process of decision making in different domain of social activities through politics.

Political, economic, educational and socio-cultural transformations taking place with their various implications on the society as a whole has led to the development of a positive

awareness within young groups who started to compare their conditions with those of other countries, thus they start speaking out their political views and expressing their demands

The government's desire to be distinguished in the region in order to utilize that for its own propaganda.

Consequently, the government established the Majlis A' Shura to release accumulated internal tensions and to utilize it as a preemptive measure to forestall pressures coming from within and from without. The serious intention to reform the political scenery may also be a good rationale as the government was aware of the peculiarities of the coming phase.

As far as the powers of the Majlis A' Shura was concerned both on the legislative level and on the level of monitoring the government, no changes nor genuine improvement were introduced, rather the situation has become worse as the powers of the Majlis A' Shura and its functions were more restricted.

The overwhelming majority of people stated that external reasons were contributed to the establishment of the Majlis A' Shura, mainly the emergence of new realities on the international level; such as the necessity of democracy and the international support gained by non-governmental organizations to play more roles in the civil society. Other reasons are: The first and the second Gulf wars and their implications on the region and the world in general. It should be taken into consideration that the Gulf war has led many governments to change their ordinary way of governance.

The existence of similar assemblies in other Gulf Countries and others has obliged the Omani Government to establish the Majlis A' Shura for the sake of being regarded as a (democratic) country especially when Oman became a member in many international bodies which support the democratization process.

The governments painstaking efforts to present itself as a (democratic) and institutions state to please the international society and respond positively to some kind of pressure coming from powerful institutions such as the IMF (International Monetary Fund)

Economic pressure by international powers mainly on Gulf Countries in order to create political stability, encourage foreign investments and open the doors for international companies to avail of stability.

The implications of the collapse of Soviet Union and its allies followed by an American domination over international institutions such as the United Nations and the Security Council.

The international tendency towards democracy and rejection of despotic regimes

The Sultan of Oman himself in 1990 during the Gulf Co-operation Council of Arab States (GCC) summit revealed his intention to establish a consultation body (*the current Majlis A' Shura*) and also announced about that on other occasions. This was seen as a response to the internal and new international reality marked by several of changes in all levels.

These significant global transformations accompanied with a revolution in the area of information technology have had a tremendous impact on domestic situation. Global media with innumerable TV channels has traversed all boundaries to become part of daily life of individuals. This has brought about many changes in the mindset of laymen who start to realize the differences between nations and civilizations in terms of life conditions and freedom of expression.

Governments are now compelled to respond positively and some how relatively to this mounting of people's awareness of their rights and obligations. Consequently a limited sphere of freedom is currently recognized in many developing countries. Oman is no exception. The government is in a situation to bring to a halt years of giving a blind eye to the basic rights of the people in speaking loudly their minds and having a say even if it still shy on the affairs of their country. The establishment of the Majlis A' Shura was one of the

positive signs of the authority's willingness to keep abreast with some the new realities of world.

One citizen mentioned, that in countries where there is no constitution to provide for the establishment of syndicates and political parties to represent the different views of the citizens, governments have realized that this status quo is no more functional due to the astonishing advancement in human knowledge making the whole world as if it was a small town. Governments have no other choice but to adopt an open door policy and allow for at least a margin of freedom for its subjects. As far as Oman is concerned, the Majlis A' Shura is a response to an internal and international pressure to implement democracy.

One, confidently, claims that foreign pressures are certainly behind the founding of the Majlis A' Shura. Indeed nobody who knows the basics in politics would fail to notice the involvement of foreign factors in the institution of the Majlis A' Shura. That is why I was astonished when an Omani Minister replied, when asked if the Government established the Majlis A' Shura to response and interact to the regional and international influences and changes: "Oman is never influenced by others." Undoubtedly, this is an absurd statement from a statesman as there is no political entity, which is not affected positively, or negatively by regional or international influences, particularly if we know that *the world became not only a small village, but also a large room*. It is true that influencing others and being influenced is a sign of life, but it is also true that being positively influenced is a sign of wisdom and good judgment.

Question 2:

To what extent are you content with the performance of the Majlis A' Shura?

75% of the people interviewed were convinced that the performance of the Majlis A' Shura has not been as good as the society expected. Most of them added that the performance of the Majlis A' Shura is very weak. Its main job was and still restricted to questioning ministers about some services provided by their respective ministries and to review some draft of laws. As the Majlis' decisions and recommendations are not binding, and due to the

fact of having been developed into an institution backing the government, the latter had no objection to make the Majlis' talks public so that this can embellish the government's image. These public discussions, despite their limited influence the government, attracted the attention of the public because they think that, there is at least one institution that speaks on their behalf.

It is worth mentioning that in spite of the limited efficacy of the Shura Council, there have been effective efforts on the part of some members of the Majlis in the study and propos many of suggestions related to life conditions of citizens. These proposals are usually the outcome of an objective view with the aim of putting them to action. This is customary done irrespective of the government's response whether negative or positive. One of the respondents said: "Yes, I'm satisfied to some extent, especially during the second and the third terms wherein the Majlis enjoyed some credibility during the discussions over the problems facing the public."

However, the Majlis' discussions, later, became so monotonous and void of any significance that most of people no more interested in following up with its discussions. Another citizen said: "despite the fact that the establishment of the Majlis A' Shura was a step forward in terms of public participation in the management of the country and of freedom of expression, the Males lacks the mechanism of enforcing its own decisions. Another problem is that the chairperson (the president) is not elected he is rather appointed by the government. Members are not allowed to discuss issues the government does not want to discuss. Even those issues so far discussed were not treated in a transparent manner by the cabinet. Some ministers avoid responding to serious questions, others make fun of the questions or change their import and answer a question never asked. The government, he adds, should continue, daringly the democratization process, as there is a universal tendency towards freedom of expression and large public participation in policy making. This kind of positive transformation would eventually turn the assembly into a bridge connecting the people with the government for the betterment of the nation.

Another citizen replied by saying boldly that the Shura Council was fine (*comparatively*) at the beginning, but later it became weak and useless. One Omani academic said on a TV show: *"What has been said about reforms in Oman is not true. There is no real intention to correct the situation. The Majlis A' Shura performance does not reflect any kind of peoples' participation in public affairs. We are going backwards instead of going forward. The Majlis' experience has certainly failed, as it has no tangible authorities"*

Question3:

To what extent do the Majlis A' Shura members feel free to speak out their views during the Majlis talks?

78% of the respondents were of the view that the freedom of the members is very restricted. This occurs in accordance with the rules set by the authorities. Moreover, there is no room for opinions when it comes to the country's general policy or its global strategy. Sovereign matters, security, national income and the budget cannot be discussed by the Majlis A' Shura. Individual views are allowed only in some domains related to social and economic affairs and even there the views usually address simple and unessential issues. Thus, any member who dares to voice his views beyond permissible bounds may run the risk of being questioned or at least put under rigorous surveillance. He may be even deprived from having any job with the government after leaving the council. Keeping your job in the future depends on how much the government is pleased with the member's performance during his service in the Majlis.

This view is based on the fact that the government annoyed of many members known for their dedication and fervent activity. The latter went far as to limit the membership period to two terms only. This decision is at odd with the assembly's constitution, which unequivocally stated that the period of membership is not limited and that it was permissible for any member to be reelected ad infinitum, according to the royal decree No. 94/91 which established the Majlis A' Shura. The reason behind such decision is to get in the way of zealous and enlightened members who had good reputation and enjoyed popularity so that they can not once again run for elections as they have been regarded as a

source of nuisance for those who do not like to be disturbed or made accountable. Amazingly, when that elite was out the Council revised the previous decision and decided to go back to unrestricted periods in the Majlis' membership. This indicated that the government's target was to prevent some members from being reelected again. It is really unfortunate to mention that many of this enlightened elite remained jobless for several years and suffered from deprivation, as they had no source of income except their salaries they used to get from the government. But they were asked to resign, from their positions, if they wanted to get the Majlis A' Shura's membership. This appalling treatment was regarded as a punishment for their firm stands against some policies of the government. The authorities want to send a message to any one who dares to talk about changing or to critique status quo. This is as a lesson to who may learn!! Only those who know how to please and applaud the government's genius are welcomed and supported.

Question 4

Does the government refer to the Majlis A' Shura in any act of laws?

86% of the respondents stated that the government does not refer to the Majlis A' Shura in important and strategic decisions let alone decisions pertaining to the state's sovereignty such as foreign policy, defense and security. The remaining 14% think that the government consults with the Majlis in some social and economic issues. In General, the assembly's opinion is not binding as laid down with regard to the Majlis' jurisdictions. One respondent said: *"the government does not refer to the Majlis even in issues the government itself brings before the Majlis."* Another view states that the government does not refer to the Majlis A' Shura in important issues especially those of emergency status which the Sultan has the privilege to decide on without referring to the assembly.

In the same vein, one says: *"I do not think that the government bothers to take the Majlis' opinion seriously as it is in a position which prevents it from playing any significant role and influence the states' internal or foreign policies"*. Indeed, whatever the male outlook might be, the government is not willing to avail itself of it as long as it is not in conformity with the government's policies.

Question 5

What is the impact of the Majlis A' Shura if any on the decisions made by the Government?

70% hold the view that the Majlis A' Shura has no influence on the government's decisions, while 30% think that the government may seek the assembly's insight about many issues but the government is not bound by the Majlis' viewpoint. During the last few years, one respondent says, there is no instance where the government changes a policy as suggested by the Shura Council. The situation, before and after the establishment of the Majlis is the same. The government has always had a strong hold on the management of the country. Thus the Majlis A' Shura is not doing what is expected from it.

Question: 6

Do you think that the Majlis A' Shura has the authority to reject the discussion of any issue which falls out of its jurisdictions or for any other reason?

95% of the respondents claim that the Majlis A' Shura has no authority to do so for any reason whatsoever; this is due to the fact that the assembly has no authority to decide on issues which should be brought before it. Thus the assembly is deprived of any authority to reject or impose any issue for discussion.

Only 5% were of the view that the Majlis A' Shura has the authority to reject discussing any issue the assembly deems unimportant or irrelevant. One citizen is of the opinion that it is obvious that the Majlis has no crucial say in the issue. The decision of establishing a Majlis A' Shura is taken by the government. The latter may dissolve it any time when (deemed necessary). It has the real authority of imposing any issue or any draft resolution for discussion without considering the assembly's opinion whether the subject matter of the discussion falls within the Majlis' jurisdictions or not.

Question: 7

To what extent is the Omani citizen aware of the roles played by the Majlis A' Shura?

What I mean by this question what is the extent to which the average citizen is aware of the roles played by the Majlis A' Shura on political, social and economic levels and how do these roles contribute to the progress of the nation in general?

83% of the respondents revealed that they were optimistic about the establishment of the Majlis A' Shura. In fact they expected a lot from it as they considered it an important step in a long journey towards democracy and the participation of the people in the process of decision-making. This suggests that the majority of the Oman people understand the meaning of democracy and long for practicing its principals. Thus the Omanis are ready to take part in the democratization process. However, this is contrary with some governmental views, which say that the Omani people are not ready to understand or to practice the democracy. Unfortunately many of the respondents said that the optimism has almost faded away if not gone for good the reason they assume, is that the Majlis' situation after 15 years has not changed if not it has become worse. The assembly is gradually turning into an undemocratic and unproductive institution especially during the last periods where active members were denied their rights to speak their minds and oppose or criticize some of the governments' policies. Added to that is the growing tendency to restrict the (already limited) authority of the Shura Council. This has led citizens to loose faith in the Majlis and use negative words whenever they speak of it such as " the Majlis is nothing" it will do nothing" and others.

The implications of this state of affairs is the drastic decline in the participation in the registration for elections and even in the criteria of membership selection that are hitherto laid down to please some influential people or groups. One may observe that people do not give much importance any more to the Majlis because of its limited authority on one hand and the decline in the quality of the participation of the members due to the government's restrictions on the other

Question: 8:

Assuming that the Omani citizen is not aware of the roles played by the Majlis A' Shura, what do you think are the reasons and suggest some remedies to overcome this problem?

97% of the answers were certain that the role the Majlis A' Shura has been playing since its inauguration is unquestionably weak for many of the reasons already stated above. They stressed the importance of granting this consultative institution enough authority and freedom to exercise its jurisdictions as a legislative and monitoring body.

Many respondents hold the view that the role of monitoring the government is really a vital role and failing to perform it, as is the case in Oman, is a big problem for the state as there is no independent and elected institution to speak in the name of the people of Oman for the sake of protecting public wealth and property and controlling how public funds are spend, how they are invested, why and for which purpose. In Oman there is no constitutionally formed body allowed to ask those in power clear questions such as how could they become millionaires over night, when they had nothing before they come to power? It is a well-known fact that the absence of public control over the public wealth is conducive to corruption and nepotism as well as the absence of a legislative body to monitor the government and leads to injustice and inequality before the law.

Despite the fact that the Majlis A' Shura has tried hard to propose constructive ideas and objective approaches to tackle many issues, the government has always adopted a policy to marginalize the Majlis A' Shura and perform as if it never existed. This has had a negative attitude on how citizens look to the Majlis. According to many Omanis the Majlis A' Shura is powerless and unable to meet their expectations. It is obvious that they lost faith in the Majlis' ability to play a role in any positive social change.

Question: 9

The graduation slogan has been raised. Was was this slogan during the preceding Majlis A' Shura' terms necessary? Did this policy lead to any essential improvement with regard the Majlis A' Shura?

79% of the respondents insisted on the fact that this policy was indisputably unnecessary and discordant not only with the Majlis A' Shura's achievements throughout previous years since its establishment, but also with the measures taken to improve it. The government's decision to increase the number of voters from one term to another and select one member out of two instead of three who won the elections has no importance for the Omani citizens, as these measures do not change the status quo.

Moreover, even if allowing all the citizens to vote directly at the end of 2003 period of Majlis A' Shura and abiding by the results according to the number of votes is a step forward compared to preceding periods, but it is regarded by many people as ordinary measures because they are part and parcel of the voter's rights if not they are natural rights. The problem is that this graduation slogan has not been accompanied with parallel measures pertaining to the Majlis' authorities and jurisdictions in order to develop it into an effective body.

Indeed, these formal and superfluous measures mentioned above do not meet the expectations of the Omani citizen who was initially optimistic regarding the inauguration of the Majlis A' Shura as a step towards democracy and freedom for which many have sacrificed. On other side, it is worth mentioning that a pessimistic view held by a majority vis-à-vis the Majlis A' Shura's future turned out to be more objective. The previous political experience on which this view was based has led the analysis to be stronger and more realistic, and this is also due to the nature of political regimes akin to the political system in Oman.

In this context many opinions go as far as to say that the idea of the Majlis A' Shura as proposed by the government and through its objectives and duties within a political system

like the one in Oman is nothing but a void slogan. Its influence will not definitely go far from its premises. The pessimistic view has proved to be correct as revealed by the experience of the Majlis A' Shura since its establishment down to the present time. Therefore, this state of affairs is going to persist as long as there is no real change or development in the Majlis A' Shura's authorities as well as in its political and social structure

Be it the case, one might say that the uninteresting measures taken by the government so far could display an iniquity intention to take advantage of the citizens' inadvertence or persuade him with what is impossible for him to accept as if they were unqualified to practice democracy or unacquainted with politics.

When we go back into the history of Oman we will be astonished that there was such a rich political experience that it was impossible to go unnoticed. Omani had so enthusiastically practiced democracy as displayed in the Immamah and Shura system that Oman became a model to follow.

The Immamah system is based in principle on a binding and constant law of consultancy. It is based on a free election of the Immam⁹⁰ to be the leader of the nation equipped with credibility, sincerity and many other virtues irrespective of his tribal or social affiliations

Al-Bay'ah, or the pledge of allegiance, represents an official contract ratified by the Imam and the people's representatives, such as religious leaders and influential personalities. Thus this pledge was indeed the constitution by which everybody abided including the Imam himself⁹¹

In recent history, Oman has witnessed an exceptional democratic practice, which is still engraved in the crevices of the people's memory namely those Omanis who played their role in the Dhofar Revolution. Popular Councils were elected in Dhofar region as decided in Rakhyut conference of the revolution then led, that time, by the popular front for the

⁹⁰ Dr.Ghabash p22
⁷⁴ ibid p 22

liberation of Oman and the Arab Gulf from 9 to 19 June 1971.

As far as the structure of these councils is concerned, they were composed in conformity with the prevailing circumstances and according to the density of population. The composition was as follows:

1-representatives of the citizens

2-representatives of the administrative body of popular councils

3-representatives of the liberation army (the military arm of the revolution)

The popular councils were elected once a year, while the sessions are organized once a month except for any emergency meeting. The decisions supported by 2/3 of the members were legally binding⁹²

These only some examples, which allude to the readiness of the people of Oman to implement even an advanced form of democracy. The people of Oman have the right to be proud of their history as they could establish a democractic system based on their values and circumstances. Therefore Omani people are not in need of anybody to give them lectures in democracy on the pretext that they need to get used to it and gradually become acquainted with its principals. In fact, history is the inspirer and it is the source of many lessons to be learned in order for us to realize the strong points and the weak ones in any practice. The political experiences of our ancestors have to be reassessed according to the circumstances of the period and time, and brought before a new generation without any kind of misrepresentation, falsification or corruption - as this is favorable to an objective assessment. This ought to be done irrespective of being supportive of these experiences or not as it is the right of our upcoming generations to be acquainted with and proud of their ancestors' achievements.

⁹² Mohamed Said Aal-duribi Dhofar Al-thurah (Dhfar of the Revolution) p. 197

More opinions on the gradual policy

"The gradualization is always positive as long as the goal is to achieve positive advancement. But when graduation is a policy to get in the way of constructive changes it becomes a defect rather than positive sign "

Master holder

" The Majlis A' Shura is stagnant there is no change at all"

University graduate

" I believe that a step by step policy can uplift the citizen's awareness to overcome regional and tribal negative devotion. The condition for the success of such a policy is to be accompanied with a will to strengthen the civil society in a journey towards a large participation of the public in political affairs. Unfortunately, the gradual policy of the government vis-à-vis the Majlis A' Shura is restricted to formal and slow measures turning the Majlis A' Shura into a beggar whose opinions are not any way binding

A PhD holder

"As far as the gradual changes affecting the assembly, one may notice that they focused merely on procedural sides while areas of jurisdictions are left unobserved and thus the assembly remained a subordinate institution to the government.

Former Majlis A' Shura member

"The resulting improvement from the graduation policy is not up to expectations"

A concerned citizen

"There is nothing different in this policy except for the way in which the mise en scène is carried out. Throughout the different steps, achievements as well as the jurisdictions of the Majlis A' Shura remain the same. But there is a slight improvement to notice, which is the large participation of citizens in recent periods of elections.

An intellectual

The slogan of gradualism raised by the regime since the beginning of the establishment of the Majlis A' Shura till now serves the following objectives: A- to deceive ordinary citizens by convincing them that genuine reforms are taking place and that there is no need to trash the process. B- the particularity of Oman and its traditions is always used as a pretext to impede serious changes. C-the evidence of why the slogan has failed to achieve its objectives is obvious as no real change has been introduced for more than 15 years since the establishment of the Majlis A' Shura.

Question 10:

What do you propose to do to support and develop the performance of the Majlis A' Shura of Oman?

It goes without saying that the failure of the government in introducing serious changes in connection with the Majlis A' Shura throughout 15 years, added to this is another 10 years experience with the Consultative Council (Al-Majlis El-Isteshary Lil Dawlah) (1980-1990), has significantly lessened the importance and vivacity of the Majlis A' Shura, *the hopes and ambitions are fading away. The gradual policy is perceived as a mean to divert the people's attention from calling for immediate reforms and changes, turning this slogan into mere rhetoric.*

A significant portion of the population confirms that it was impossible for the Majlis A' Shura to be improved. There are opposite opinions maintaining that the Majlis may develop if there are key changes in its authorities and in the ability of enforcing its decisions. "The government should show respect to the Majlis A' Shura, grant it more authority, increase

salaries, give importance of the members to give them enough prestige in the society and standing by any member questioning any governmental institution"

A Majlis member

"More authorities, more incentives are needed if we want talented people to seek the Majlis' membership"

A writer

Another suggestion:

"My suggestion is to profit from other countries and lay down conditions for membership such as the level of qualifications in terms of education so that only talented and educated people are elected.

On the enhancement of the Council's roles, a respondent says: "in my opinion, for the Majlis A' Shura to be efficient, it is obligatory to enhance its legislative powers to monitor the activities of the government. This can be achieved through a reformist approach, which includes the following: 1- enhancing freedom of expression and institutions of civil society and 2- Establishing a constitutional system that encourages political pluralism and allows for power alternation through democratic ways.

Another suggestion reads: "the improvement of the Majlis A' Shura requires the enhancement of its authorities and to guarantee the future of job of its members; for the lack of these requires has resulted in the refraining of many Omani competent people from seeking the membership

Former Majlis member

Another opinion remarks: "I m of the view that the most important authority vested within any parliament is the power of legislation and the authority to approve laws brought before the government to be entrusted to the assembly". He also suggests that: Clear criteria for the membership of the Majlis A' Shura in terms of educational qualifications be laid down. Citizens are enlightened on how to objectively vote for those who are capable of

performing their duties at the best of their efforts and to distance oneself from the prevailing tribal considerations in the process of voting. Freedom of expression for the members is guaranteed and the time allocated for the discussion of issues be prolonged. The discussions will be aired live on TV and Radio channels after notifying the public of the exact date and time of the discussions. The member should not be obliged to quit his initial job and perform as a Majlis member, he, instead, should be considered seconded by his employer so that he can go back to his job once the period of his membership comes to an end. Members should be selected based on their competencies and enough time for discussions are given.

Another opinion:

It is obligatory that the Majlis A' Shura be given more authority including the vote of non-confidence in the government if deemed necessary. It is preferable to turn the Majlis A' Shura into a legislative body

A Council member

The Shura Council should be given large authorities in enacting laws and checking on other governmental bodies

Another opinion holds that:

The Majlis be given large authorities in political and economic domains. The Majlis A' Shura should take part in deciding on important issues. No time limit is imposed for the membership as long as people keep voting for somebody. (It is very important to respect a desire of the citizens in this regard) The citizen's awareness of the important role the Council plays for the public welfare is given enough consideration.

An intellectual goes as far as to say that the Majlis A' Shura should be given the authority to oversee all projects and plans carried out by the government and call to account any one who tempers with the public properties

Question11

How do you assess the role of the Council of State (Majlis A' Dawlah) compared to the Majlis A' Shura and which of them is to be taken seriously with respect to important issues? Justify your answer.

92% of the respondents maintain that the council of state plays no role in the process of social change sought by the Omani people. On the contrary, 8% hold exactly the opposite view and expect a significant role to be played by the council of state. Thus the overwhelming majority holds a negative view with regard the Council of State, as its role is restricted to representing the government. Members of the Council of State are appointed by the government therefore the council reflects exactly the views of the government while members of the Majlis A' Shura are directly elected by the masses especially in the last two terms, i.e. the 4th and the 5th terms, Except for the president of the Majlis who is appointed and hopefully, he could be elected as well.

This is the reason why the overwhelming majority of the people think that the Majlis A' Shura must be given priority over the State Council as the former reflects more opinions of the masses. It is then expected to give weight to the Majlis A' Shura's decisions, because the citizens elect its members, *and the people are the source of power*. However, this should not be implemented to the exclusion of the council of state because we can avail of the experience of its members. As this is the case, the role of the council of state is doomed to be restricted. With due respect to its members for their rich experience and precious contributions to the society.

However, it is worth mentioning that the majority of the members of the State Council have nothing left to contribute, many of them still hold a position in name. They have no energy left to delve into the details of issues discussed, and some of them have no wiliness to do or to sacrifice, let alone the insignificant authorities vested with the Council of State. A large number of citizens think that the Majlis A' Shura may be a promising and active body because the people elect him. Young members are ready to invest all efforts in serving the masses in order to maintain his credibility

However, irrespective of the importance of the role of each Council, there is a strong conviction that the Shura Council and the Council of State complete each other and should cooperate to the advantage of the nation

Another opinion suggests that:

The Majlis A' Shura jurisdictions be extended and be constitutionally binding. The meetings of the Majlis A' Shura and its discussions be aired live and published in different newspapers. It is obligatory to evaluate the assembly's performance after each session.

It is very important to say, that the government should not be terrified by the idea of giving people the right to participate in decision making, as this is not going to have negative impact on its image nor is it going to undermine the authority, on the contrary such large participation of the people would eventually bring the government closer to the grassroots and contribute to the strength of the government. It goes on to say that the involvement of the government in radical changes in the areas of freedom of speech and political participation will distance the country from any foreign intrusion or outside dictations

Question 12:

Are there any other views or suggestions to be added?

This last question is a general question aiming to give respondents a chance to contribute more personal opinions to this study, and aiming to overcome any shortcoming and fill any gaps left in previous questions and to provide enlightening views to serve the public interest.

The majority of expressed views to this question were in line with views and opinions expressed in previous answers. In a similar vein, they stressed the necessity to give the Majlis A' Shura enough jurisdiction and authority enabling it to seriously play a leading role in the process of national development as an active legislative body.

For that reason we will refrain from repeating the same answers and restrict this section to any new or important suggestions: 1- The government is required to enlighten citizens before elections about the importance of electing competent individuals based on the public interest and warn them about electing people based on any other criterion. 2- The government is obliged to warn any influential individual be he/she a government member or a leader of a tribe about forcing any citizen to vote for some privileged personalities as such it is an illegal act and is punishable and 3-The sessions of the Majlis A' Shura must be directly aired publicly.

Other suggestions and notes read:

Article no: 29 of the Basic Statute of the State on freedom of speech should be put into action.

Former Majlis A' Shura member

Another view:

The tasks vested within the Majlis A' Shura should be transmitted to an elected councils of regional municipalities and thus render the Majlis A' Shura into a pure legislative body with full authority.

A PhD student

The participation of women in the Majlis A' Dawlah (council of state) is restricted only to certain regions, thus this participation should be inclusive and generalized for all regions of the country.

Activist woman

A number of views expressed:

The candidates for the Majlis A' Shura's membership must be equipped with a high level of education no less than the university level.

The members of the Majlis should be given enough time to express his/her views and bring his/her ideas before the council for discussion.

Another opinion suggests that:

- 1-The Majlis A' Shura's jurisdictions be extended and be constitutionally binding.
- 2-The Majlis A' Shura meetings and discussions be aired live and published in different newspapers.

8.3 Conclusion

Though the questions were distributed to members of the Majlis A'Shura by the Secretary General of the Majlis during one of the Majlis sessions and also the questions for the Majlis A' Dawlah were distributed by the Secretary General, most members of the two councils were reserved about responding due to the openness and objectivity of the questions, only two members of Majlis A' Shura have kindly responded, while all the members of the Council of State have abstained from cooperating.

As is manifested by this study the interviews focused on the Majlis A' Shura in terms of the reasons behind its establishment, how to improve it and how is it going to look in the future. This survey included all classes and groups of the Omani society.

Through this discussion several important issues and matters have become much clearer and the public highlighted many shortcomings of the Majlis A' Shura.

The following points have been highlighted by the survey responses as most important:

1-The public is aware of the fact that the establishment of the Majlis A' Shura was not an act of benevolence by the authorities nor was it an act of chance. It was rather a logical and inescapable consequence of many internal and external factors.

2-There is a general public awareness of the importance of the Majlis A' Shura – in principle - as a representative body, which if managed properly has the potential to make important contributions to the welfare of the Omani society. The witnessed indifference is an indication of the Majlis' failure to perform as expected.

3-The Majlis A' Shura's current status does not reflect the ambitions of the people of Oman; therefore, it is an obligation to improve its role in order to meet the people's expectations so that it becomes a genuine legislative and monitoring body. By doing so the Majlis will be able to play its role in the development of the nation in all areas.

Chapter 9 focuses on the evaluation of the role of the Majlis A'Shura and the reform process of the two Councils Majlis A' Shura and Majlis A' Dawlah, and the amendments of the 1997 Royal Decree.

Chapter 9

Evaluation of the role of Majlis A' Shura and the Reform Process

9.1 Introduction

During its first periods, particularly during the nominations, when the government had the final decision to choose members for the Majlis A' Shura, membership could be classified as the emerging middle class, as most of the members came from ' sheikhs' and merchant families or was supported by these families.

The nomination and selection process for the Shura council was comprised of substantial diversity in its composition. There was approximately 20% percent of the council members in the Majlis A' Shura in its first term who were members in the previous State Consultative Council. This included the president of the new council who had also been the last president of the previous council. He continued to be reappointed every new term by a separate royal decree including the 5th term when the members became elected. With my full respect of the president, in particular, this is one of several evidences that there are no important changes in Majlis A'Shura especially in authority and power. On the other hand there was in the Majlis membership an elite of young, activists, scholars and newly educated members in the new council who needed the experience to develop the Shura practice to become an influential representative body. Moreover there were some council members who came from prominent tribes, the urban notability, and from the business community including some of the traditional and merchant families. There were a number of educated and popular candidates who were chosen by each province by the citizens for membership in the Majlis as a first step before the final selection by the government. However, it was notable that the selection for membership of businessmen, well-known personalities, and sheikhs was clearly carried out in a method irrespective of any standards or any other national norms.

Despite the fact that the different authorities given to the Majlis since its beginning were very limited, the amendments of 1997 have worsened the situation and purged the Majlis of more authorities. We argue that this represents a backward movement in the journey towards real representative institutions and makes it clear again that authorities often choose to go backward rather than forward. Although the authorities of the Majlis are not sufficient, the new amendments still held back this promising institution. This view holds true as the Majlis A' Shura had been performing better prior to 1997 than they are now.

It is well known that the Majlis A' Shura has not become a politically effective institution that has the capability to perform a tangible role in the political and public life of the society. Although the experiences of Majlis A' Shura are not rich and it still has many deficiencies in all fields - legislative, political, economic, social, etc and despite the fact that the Majlis cannot discuss a number of important public and national matters pertaining to strategic, political and financial plans, this does not in my opinion, imply that the Majlis A' Shura is void of positive points.

9.2 The effect of the 1997 amendments

In this section, we discuss observations regarding the 1997 amendments of the Royal Decree No. 94 and 97 /91 on the establishment of Majlis A' Shura and its internal regulations by the Royal Decrees No. 86/97 and 88/97.

Many intellectuals, civil society activists and Majlis A' Shura members have long waited for positive amendments to be introduced into the legal structure of the Majlis in order to push further towards more authority and develop its status. Consequently, many amendments have been affected and they will be our topic of discussion and evaluation.

During its early terms namely those of the second period (1994-1997), the Majlis could positively utilize some of the provisions under its statute. This opened the doors for optimistic aspirations and many people held the view that the Majlis A' Shura was on the right track and that it would eventually play a positive role in the social change.

However, many of those in power were displeased with the institution's achievements as it interfered, they claimed, in their affairs and ministries, that the Majlis A' Shura was a danger to their prestige. This led to the amendment of the laws of the Majlis A' Shura in order to purge it of its power and effectiveness. These amendments constituted a retreat from the achievements of previous decrees, which, despite its modesty, is better than the amendments.

These amendments were a source of a strong controversy among citizens in general and among members of the Majlis A' Shura specifically, leading some of them to object, in their entirety, these amendments and form what came to be called the group of thirty (Assem, 1999, p506), who in a secretive manner, agreed to abstain from questioning government members and performing their usual duties in a movement to oppose these amendments.⁹³

9.2.1 The status of Majlis A' Shura and the Council of State

Article 58 of the State's Statute proclaims that the Oman Council consists of the Majlis A' Shura (the consultation council) and the Majlis A' Dawla (the Council of State). This provision gave precedence to the Majlis A' Shura contrary to the Royal Decree 86/97, which gave priority to the Council of State. The Decree raised resentment among many people and the members of the Majlis A' Shura who questioned which of the two bodies came first. They also questioned whether the decision should be allowed to depend solely on the ranking of the state's statute in order to consider the Majlis A' Shura as an authority for the Council of State or whether the ranking was only a matter of chance.

The views of some members of the Majlis A' Shura, believed that the amendments by giving priority to the Council of State was an avowed contradiction to Articles 58 and 79 of the State Statute wherein the former, states, that the Majlis A' Shura comes first while the latter affirms that any law must be in conformity with the State Statute. Thus it was argued that the Majlis A' Shura should be given priority over the Council of State.

⁹³ Assem Rashwan, Tajrabat a'Shura Al-Omania Dar Al-khalij 1999 p.(506)

9.2.2 The membership term

The previous provision of the Royal Decree 94/91 Article (3) stated, “*The term of membership shall be three calendar years and shall be renewable to another term or more according to the respective procedures*”. While, according to the second article of the rules of establishment of the State Council and Majlis A’ Shura -common provisions- the new amendments stated “*The membership term of each of the State and A’ Shura Councils shall be three Gregorian years. Membership of the State Council might be renewed for similar terms, however, membership of the A’ Shura Council might be renewed for one term only in accordance with prevailing procedures*”. Thus the duration of the membership of the Majlis A’ Shura was limited to six years as a maximum and non-renewable under any circumstances, while the State Council might be renewed for similar terms, whatsoever. Some are of the view that limiting the time of membership in an elected body is against the people's desire. They considered it as an unprecedented move against democracy especially in a country where there is another appointed body, which is the Council of State. The limitation of time may, among other factors, lead qualified people to abstain from running for elections and has actually become a reality.

9.2.3 Review of draft laws

As far as draft laws are concerned, Article 9 of the Royal Decree 94/ 91 on the institution of the Majlis A’ Shura stipulated as follows: “*...the Majlis shall have the following competences: Review all social and economic draft-laws prepared by the concerned ministries prior their final enactment.*” While the 29th article paragraph (a) of the amendment of 97 states: “*Review all draft laws prepared by the ministries and government departments before their final enactment, except for the laws that the Sultan sees... .The council (Majlis A’ Shura) shall refer the revised draft laws along with it recommendations to the Sate Council*”

Article (29) was then amended as per Royal Decree 104/2000 to be as follows:

“*Review all draft laws prior to promulgation, except for the administrative and procedural laws and the laws which (the Council of Ministers recommends) to be submitted*

directly to the Sultan". This article also added that *"the Majlis A' Shura shall forward its recommendation regarding the referred draft-laws to the Council of Ministers"*.

Two points are worth mentioning here. The disregarding of the advisory council (Majlis A' Shura) in bringing any draft law before it, to review it before being issued, is considered a backward movement vis-à-vis the minimum level of the authorities vested with this advisory council as stated in the royal decree regarding the establishment of the Majlis A' Shura. Considering the Council of State as having authority over the Majlis A' Shura is based on the fact that draft laws reviewed by the Majlis A' Shura are referred to the Council of State to have the final say on them. This has, practically, strengthened the position of the council even if this is at odds with the statute of the state as the Council of Oman gives priority to the Majlis A' Shura. Though experience reveals the sad fact that the government is used to passing laws without referring to the Majlis A' Shura, despite the fact that this contradicts the old law, this authority is what sets the Shura Council apart from the advisory council (1981-1990) replaced later on with the Majlis A' Shura.

There is no provision in the law which states that the Council of State is bound to bring draft laws before the government or the Sultan along with the Majlis A' Shura's recommendations and suggested amendments, thus the Majlis A' Shura's recommendations are purely consultative to the State Council.

9. 2.4 The participation of the Majlis A' Shura in the preparation and implementation of the five year plan

In as far as the participation of the Majlis A' Shura, is concerned, in the preparation and implementation of the five year plan, Article 9 paragraph 4 of the previous law states: *"Participate in setting up the development plans and follow up their execution within the general strategy framework of the state as in accordance with the available funds"*. While the current and amended article reads: *"participation in the preparation of the development plans in the country and comment on the general framework of those plans referred to the Majlis by the government"*. The participation of the Shura Council in preparing plans of

development and implementing them was, as claimed by a former member of the Majlis A' Shura, one of the important jurisdictions the Shura Council was entrusted with.

It was for this reason that the Majlis A' Shura had been able to follow up with the implementation of many projects related to various plans. The Shura Council assigned some of its committees to prepare periodically detailed reports and bring them before the Shura Council. Some ministers agreed to be questioned on their performance in carrying out some of the plans, thus the Majlis could perform for the interest of the public. But unfortunately, the amendments removed this jurisdiction especially the Majlis' authority to follow up with the implementation of projects.

9.2.5 Shared meetings with Council of Ministers

Regarding the shared meetings with the Council of Ministers Article 10 of the Royal Decree 94/91 states: *“The Council of Ministers shall arrange two annual meetings to be attended by the president and the bureau members of the Majlis to follow up the co-ordination procedures between the government and the Majlis (Majlis A' Shura) ...”*.

While the new amendments in article (7) read: *“The Council of Ministers shall allocate two annual meetings, one shall be attended by the president and members of the bureau of the State Council, and the other by the president and members of the bureau of the Majlis A' Shura. The meeting shall be devoted to follow up the co-ordination between the government at one hand, either of the State Council and Majlis A' Shura at other...”*

According to the new amendments, the Majlis A' Shura and the Council of State do coordinate with the government equally. Before amendments, annual meetings were conducted for coordination between the Majlis A' Shura and the government only. This had been the case when there was no Council of State. Consequently an annual meeting is allocated to the Shura Council and another to the State Council. Whatever the case may be, and regardless of the number of meetings, the shared meetings are often nothing more than an occasion for personal acquaintances and tea drinking.

9.2.6 Annual Ministerial reports before the Majlis A' Shura

Regarding the annual ministerial reports presented before the Majlis A' Shura, Article (11) of the Royal Decree 94/91 requires that ministers of services present an annual report before the Majlis A' Shura. This report includes achievements and plans of their respective ministries. Ministers are also required to answer questions posed by members of the Shura Council. The Majlis A' Shura has the authority to call any minister of services for questioning. Article (11) reads: *"The ministers of public services shall submit to the council annual data reports in respect their ministries performance, plans and achievements and to answer all enquiries raised by the members. The Majlis have the right to summon, at any time and when required, any of ministers to discuss any issues related to his ministry' concern"*.

While the new amendment states that the Majlis A' Shura receives annual reports from service ministries and that it has the authority to call any minister of services to answer questions deemed necessary the verb *present* has been replaced with *receive*. By virtue of this amendment, the provision that requires ministers to present reports before the Majlis A' Shura was replaced by a provision which gives ministers freedom to present such reports or not. And instead of presenting a report, the amendment speaks of reports dealing with some points only. *Questions* and *answers* were replaced with *exchanging opinions*. Thus these amendments are meant to weaken the authorities of the Majlis A' Shura.

9.2.7 The mechanism of implementing the Majlis A' Shura's recommendations through internal regulations

Article 3 of the Royal Decree no 97/91 reads: *"Concerned authorities, which find it difficult to implement the Majlis recommendations, shall present a report to the council of ministers stating the reasons to that effect prior to the issue being submitted to the Sultan"*

Based on this article it is clear that government bodies are bound by implanting the Majlis A' Shura's recommendations, however, this article was removed from the new internal regulations, and thus the mechanism of implementing the recommendations of the Majlis A' Shura disappeared.

Article 3 provides for the procedures to be followed for implementing the Majlis A' Shura recommendations. The article states that the implementation of any recommendation by the Shura Council addressed to any governmental entity is a **must be implemented**, and should any of these entities fail to implement it, a detailed report has to be prepared explaining the reasons and then sent to the ministry council which prepares recommendations in this regard for the Sultan.

Thus, before the amendments, recommendations of the Majlis A' Shura were not binding for the Sultan, but only a consultation for him. However, later on, they became insignificant even for the government, which deals with the Shura Council as an advisory entity. This amendment is considered one of the worst amendments, which caused the Majlis A' Shura to lose more of its authorities and jurisdictions.

9.2.8 On requests for discussion

Article 87 of the internal statute of the 97/ 91 Decree reads: *"the president shall inform the concerned minister of the debate request immediately after the Majlis approval and shall invite him to attend. The subject for the debate shall be tabled on the agenda of the meeting to be held at least one week after the date of extending of the invitation to the concerned minister. The minister may request to postpone the date for a further weeks time"*

Article (78) of the new internal statute states that: *"the president shall inform the concerned minister of the debate request immediately after the Majlis approval and shall invite him to attend"*. The Majlis Bureau shall determine the general framework of the points to be covered for discussion, enclosing it with the invitation extended to the concerned minister. The subject for the debate shall be tabled on the agenda of the *meeting to be held at least one week after the date of extending of the invitation to the concerned minister. The minister may request to postpone the date for a period upon which he agrees with the president of the Majlis. In co-ordination with the president, the minister may also specify the number of meetings he might need to tackle the issues raised for discussions. "*

The alteration is obvious in two important ways: enclosing the general framework of the points requested to discuss with the invitation extended to the concerned minister; and the right of the minister to postpone the discussion after getting the consent of the president of the Majlis A' Shura. While according to the previous law the minister may request to postpone the date for further week's time only.

9.2.9 Regulation of the Majlis A' Shura sessions and Media transmission of its proceedings

Article 90 of the previous internal regulations provides for media transmission of the proceedings of the Majlis A' Shura sessions. The article states that “...*Meetings in which services Ministers present their reports and and answer members questions, shall be reported through national information media.*” New amendments, Articles 80-81 & 82, revolve around regulations according to which, sessions are conducted and how these sessions are transmitted to the public. Article 80 avowedly states that sessions are not public, “*the Majlis meetings shall be held in camera...*” While Article 81 affirms that media coverage of discussions should be done according to the rules followed by the Omani society (“*the media coverage of the members questions and the answers to these questions should be done in accordance with norms observed by the Omani society*”).

In fact this ambiguous statement, according to some opinions, may be interpreted in many ways. It seems that the statement has been deliberately placed in to give the authorities the upper hand on how the media coverage should be carried out and decide on what the public should watch. Paragraph (b) of Article 82 reads: “*the questions of the members must be precise, direct and in line with the duty of the minister or the government officer, the latter has the right to abstain from answering the questions.*” Paragraph (c) of the same article adds the comments or questions of the members on the minister's talk must not be made public, as follows. “*Comments on the minister's answers or any inquiries about them should be given in an in-camera meeting held at the Majlis or committees level, as necessitated by the nature of each issue raised for discussion.*”

It then becomes obvious that according to the new amendments the minister now has the right to abstain from responding to the members' questions however much important they

are - while this was not the case before the new amendments. This may allow the minister to answer any question he selects, the way he deems appropriate and to ignore any question however important it is. In fact this amendment as well as other factors caused the weakness of the Majlis A' Shura and turned it into a powerless institution void of any significant prestige as a representative body meant to express the views and aspirations of the masses. The Shura Council has unsuccessfully imposed itself as a respected body either before the public or the members of the government. The Ministers are not bound to attend the Majlis A' Shura's meetings nor are they obliged to answer the questions addressed to them from representative council.

Worse still, the sessions of the Shura Council are not aired to the public as -the new- provision states that airing a session must be in accordance with the rules followed in Omani society. This means a refusal to transmit to the public anything that those in power do not like or want to allow. The Minister has the right to accuse any member of providing false information and of being prejudiced to conceal his incompetence, as he is sure that the member has no right to comment according to the new amendments. This eventually would tarnish the image of the Majlis A' Shura and, consequently, turn the public away from following up with the activities of the Majlis A' Shura.

The new amendments oblige the members of the Majlis to delay their comments on the ministers' opinions to another non-public session. This would break the smooth flow of discussions and oblige the members to pose the same questions in a non-public session. Non-public discussions may lead members to despair and eventually refrain from asking questions and this is exactly what ministers are looking for. A former member is of the view that new amendments will definitely have a negative impact on the performance of the Majlis A' Shura.

9.3 The Positives

The existence of a Majlis A' Shura is a positive point compared to the old days, when there was virtually nothing in the way of public representation, it is a simple example of a positive step in the right direction. An establishment of the Majlis A' Shura is a positive step towards recognizing citizens' rights to participate in public life and the public affairs of

the country. The government has been obliged to listen to the people's demand for more open and democratic systems and to recognize even tacitly the right of citizens in having their say on public issues. But this so called participation is unfortunately at a minimum level.

The Majlis A' Shura's made unaware people feel that they have the right to participate in the management of their public affairs and their daily interests and for the future. The participation of a number of educated elite and scholars as members of the Shura Council along with their painstaking efforts to develop the Majlis' role has benefited a lot the Majlis and granted more importance, especially to their efforts through research and discussions. This has enhanced the members' credibility as citizens who feel that their representatives voice candidly express their problems and concerns. The television discussions about the social, economic and educational problems of citizens are exactly the fields allowed by the authorities to be discussed publicly, with a number of the services ministers concerning their ministries affairs.

The critical mood of these discussions which very often reveals the government's negligence and lack of good services in many parts of the country, enhance the credibility of the members and created a new positive and unprecedented situation for other members to feel confident in their discussions and in following on their tasks in the Majlis. The live television transmission of the Majlis meetings between the members of Shura council and the services ministers has created an enlightened public opinion, in all the wilayats of country. The people have begun call their representatives to account, by backing those who succeed in articulating the issues effectively and dismissing those who are not suitable. The discussions of Majlis A' Shura on television made some concerned Ministers feel (for the first time) that there is a kind of limited and unprecedented control by some members of the Majlis, who exert good efforts to follow on the citizens' demands and talk about them in the sessions and meetings of the Majlis with the concerned Ministers. This feeling of accountability by ministers is indeed an achievement as there nothing similar in the past. Ministers are now more careful and pay attention to what is going on in their respective ministries. They have become obliged to prepare themselves to be able to answer (or

ignore) the questions or discussions of the Majlis A' Shura's members when the Majlis invites any one of them to present a statement about his ministry's affairs before the Shura Council.

One of the good points of the TV discussions on the Majlis A' Shura, is that there are now ministers who try to promptly solve some of the administrative, and financial problems of their employees at their ministries which is really unusual as similar problems used to take a long time to be solved or at times were totally ignored. This simple control (so to speak), especially during the Second period of the *Majlis A' Shura*, (before the new restrictions of the 1997 amendments) enabled a number of the council's members to discover and illustrate examples of misconduct and deficiencies at the Governmental sector. On the other hand, despite the very simplified powers of the *Majlis A' Shura*, there are a few members who have shown good skills and abilities in their performance as representatives of the people, where they could voice their problems. These members could gain the public's support and respect of the people. Although no political parties or civil society associations are still not yet allowed in the Sultanate of Oman are the people feel that the Majlis A' Shura despite its restricted powers is considered the only channel between them and the government to voice concerns, needs and hopes.

Past experiences should be put into perspective and assessed in a way that treats them according to their circumstances, as this is conducive to an objective assessment. This brings a balance in the evaluation and gives each period of time its real role considering that what may be valid for today may not be valid for tomorrow. Each period in history has its positives and negatives and our duty is to avail ourselves of the positives and be aware of and avoid where necessary the negatives. Each period in history has its ups and downs and pros and cons. The importance of knowledge and wisdom of the history exist in here

9.4 Slogan of Gradualization

Under the slogan of the gradualization policy, the Government in each new term usually used to do a few or minor changes designed for the Majlis A' Shura, in an attempt to satisfy the citizens that it has done something new for them, and that the citizens (in its view)

should accept the situation and remain in a state of suspense and while waiting for another (minor) change in the coming periods. There is no doubt these simple changes did not meet the expectations of the citizens.

Accordingly, despite my respect 'in principle' of the gradualisation slogan and some cases, in my opinion and in line with many observers' views, the Slogan in Oman relating to the Majlis A' Shura regulations and its procedures has been raised and continued for a longer time than necessary. This slogan has become an obstacle to requested changes and delays the immediate reforms required by the people, especially concerning the free and direct election of the members of the Majlis A' Shura before its 5th term. It has also become an obstacle to the necessary powers that should be granted to the Majlis A' Shura, such as legislative powers and the authority to monitor the activities of the cabinet, which would enable the Majlis to assume its expected role in all fields as a representative body of the people.

9.5 Tribalism and the Majlis A' Shura

Tribalism is a social reality in Oman and has had both positive and negative affects on Omani society. However for the purposes of this study we focus primarily on the negative aspects of tribalism in order to establish solutions and remedies that will bring Oman closer to being a democratic state in the future.

Most human experience has both positive and negative sides. It is therefore important to gain an understanding of previous experiences in order to avail oneself of the advantages and avoid the shortcomings. In Oman, the current A' Shura experience came with many disadvantages that had to be got rid of. One of the most perilous shortcomings of this experience is the tribal system, which has had a negative impact on the Majlis A' Shura for many years.

The authorities have played a large part in this state of affairs as they relate candidacy for membership with tribal ties. Therefore the people who were entitled to vote (electorates) during the first four terms were chosen by the government based mainly on tribal

sensitivities. Even more disastrous is that tribal alliances were based on alternation and trading of membership rights in the Majlis A' Shura among tribes. No member is allowed to renew his membership, no matter what his abilities might be, as he is obliged to give up his rights of membership to another term in order to allow another tribe to take its turn and be represented in the Majlis A' Shura (such that the Majlis has been perceived as a focus for tribal representation rather than as a national body). It is our contention that tribal considerations accompanied with nepotism, which replaced membership based on competencies, added fire to the fuel of tribal discrimination and is one of the most negative aspects of the Majlis' experience so far.

We can identify a number of important considerations behind this negative state of affairs. Candidature was related to the heads of tribes as the electorate who had the power to select candidates for the Majlis. Political parties or any other associations were not allowed to replace tribal representation. Civil organizations such as syndicates were not allowed to select candidates, as it would have contributed to minimizing the negative sides of tribal inclinations. The weakness of the Majlis had convinced citizens that there was no need for special abilities to have membership but that it was just a matter of filling seats. Thus all tribes thought that it is a formal privilege to be represented in the Majli.

9.6 The Solution

The solution to this problem is incumbent upon a switch from the negative perceptions of tribal culture to a reliance on national values such as citizenship being given priority over any other criterion of belonging. To achieve this the Majlis should be looked at from a more nationalistic perspective and the national interest must come before individual or tribal interests. Members must be selected by virtue of their abilities and competencies. There should be support of belonging to the nation by way of festivals and forums. Any agreement to nominate a candidate for elections must be based on national considerations. The Majlis should be given more authorities so that citizens feel its importance.

9.7 Conclusions

Regardless of my deep respect for different points of view, most of the issues and articles on the Majlis, though rare, have dealt with the area under discussion from a propagandist perspective, in particular Omani issues, and explains the lack of critical analysis and the zeal to propose solutions for the Majlis' problems. This attitude is confusing to both scientific research and the Majlis, as it prevents a holistic review of the Majlis' performance.

Political participation in Oman was very weak especially within the period (1981-2003). This weakness was a normal consequence of the political status quo and the nature of the legal state of affairs and situation of the present bodies. It is a well-known fact that the establishment of political or social organizations or any kind of civil society and democratic entity is totally prohibited in Oman leading to inefficient institutions. The substituted advisory council (SCC) had been an appointed body with no real authorities. As for The members appointed by the government pretending to represent their sectors, their respective sectors had never given them this privilege. Even Majlis A' Shura, which has become elected recently (2003) except for its chairman who is appointed, is not a democratic body. The chairman is not elected by the people or at least from the members of the Majlis.

In addition, the Majlis lacks real powers that enable it to perform as expected from the citizens. It does not have any legislative authority nor the monitoring power, and this shows that the Majlis was not established in the first place to be a democratic institution of real power, rather it was brought into being as a propaganda tool and as a result of internal and external pressures - in addition to new states of affairs emanating from political, cultural and social transformations due to emergence the revolution in Oman (Dhofar) and the whole national movement in the country. Despite the fact that many objectives for which the revolution took place were adopted and some of them relatively were achieved by the new government, especially in fields like economy, health care, social affairs, education and individual welfare, there are still many other objectives to be achieved such as complete independence from foreign domination and the realization of democracy. The real independence is yet to be achieved in a country where the British Crown is until now raised, in a country where there is no national day of independence and the British,

American presence is still so strong, that foreign domination is increasing to engulf all domains political, military, and economic.

The Council of State was established to form along with Majlis A' Shura the Council of Oman, its members were appointed and most of them were ex-cabinet members and retired military officers and VIPs of tribal or economic influence the majority of them deeply loyal to the system. As a result, it is a fact that political participation is still very weak and limited, therefore, we deem it appropriate to discuss these bodies to reveal as objectively as possible their real situation bearing in mind that many people know little about them as there is scarce, subjective and unprejudiced information.

What is known of the Majlis A' Shura shows it still has a long way to go before it can become a politically effective organization performing a tangible role in the political and public life of Omani society. The experiences of the Majels A' Shura over 5 terms up to the present date indicate that there are still deficiencies in legislative, political, economical and social areas that need to be addressed. However, it is important to note that the Majlis does not have the freedom to discuss several areas of significant public and national strategic matters, including political and financial plans and matters pertaining to security and foreign policies. However, this should not be construed that the Majlis A' Shura is devoid of positive points.

In Chapter 10 we discuss the conclusions of the research and make recommendations and suggestions for the future.

Chapter 10

Conclusion and Recommendations

10.1 Closing Arguments and recommendations

Many argue that talking about democracy is dangerous especially in developing countries.⁹⁴ If democracy literally means rule by the people, and this distinguishes it from many patterns of governance not deriving its legitimacy from the people's choice, this conception of democracy could well be impossible to transplant. Copying a foreign system would eventually be counterproductive. We might then argue, that the definition of democracy "*Rule of the people, by the people, for the people*" at this point in time is non-existent.

The most practiced way of democracy can be identified as "*public participation in decisions affecting public life.*" This definition exemplifies the value of mutual understanding, compromise and cooperation between the people and their governments in order to achieve a change that would benefit the nation as a whole.

The legal and political reforms in Oman are still in its infancy. It is true that the Majlis A'Shura has no important formal powers but is consulted by the government when needed on new laws and public policy. This could suggest that authorities are still not really ready to share with the people the management of public affairs in the foreseeable future.

However, during the last decade Omanis have been voting for a new advisory council in elections, which was seen as a test of significant change in the Gulf region - particularly with regard to women participating in this process. Compared to previous years, women are increasingly taking part in both political and public life. In the second term of the Majlis A' Shura (1994), two women won seats for the capital Muscat - the first time women had stood in elections in the Gulf Arab States. Since then only two women per term manage to gain membership of the Majlis. For example, during the last term there were only two

⁹⁴ Abdulla Omer Alomer Arhasat, *Ademocratia fi Al-Kuwait*, Dar Qartas Ilinasher waatuzea, AlKuwait 1994 pl.

women members from a field of 83 members of Majlis A' Shura elected but there were others appointed to the Council of State.

In the past, the Sultan had the final say over which candidates eventually sat in the chamber, regardless the number of votes they received. Now the situation is different, the winner is the one who gain the high result of voices, this gave an impression that the government is now comparatively, on the right track regarding to supporting political, economic and social reform towards a democratic system in the future.

Increased attention to reform, democracy and human rights in both words and deeds is helping those in the Nation committed to reform changes. The road is an uphill one, and it can say, it will remain so for the foreseeable future. But recent social and political changes in the region have removed the taboo of talking and pressing for democratic reform in the Middle East in general, and in the Gulf region in specific. While it may be too early to describe what is happening as an “Gulf Spring”

Some experts, analysts and researchers in the Gulf affairs argue that a relation is established between oil production and the lack of democracy. Many are of the view that this natural resource is strongly linked to prevent or slow transition to democracy, because of bad investment of the revenues of the oil by the rulers to repress the citizens in their struggle for freedom and democracy. In lots of Arab countries and in Oman in particular, the petroleum wealth has served to delay political reforms and democratization.⁹⁵

Strategic planning would lead policy makers to subscribe to the idea that oil is not the only way to generate wealth. Consequently human recourses would be one of the best alternatives to oil.

As there is a strong relation between the political system and political awareness related to the epistemological horizon of the society, intellectuals are currently investing rigorous

⁹⁵ Adel Alabdul karim political-Economy and political development in the Arabian peninsula: the case of the Sultanate of Oman 1997 page ix

efforts to form a nascent civil society that in the near future may allow the seeds of a democratic society. For that reason the system of governance will be forced to change in the future into a democratic rule and open system of governance.

It is worth mentioning that any legal, political reform aiming at setting up a democratic system has to first address the cultural issue. Oman, as with many other countries has witnessed important changes in the life style of its people as a result of oil revenues, which have been controlled by the elite in power.

On this latter level few changes have taken place in Oman and in even fewer so called institutions with no real democratic practice. The issue now is how to convince the elite in power to allow for real democratic practice and the true alternation of power. The double-faced discourse of the west on democracy would impede or at least slow any movement towards real democratization of the political system in the Gulf region. The slogan of 'war on terror', in the Middle East in particular, with all its injustices and atrocities has given despotic regimes in the region the justification for more centralization of power and obstruction to social change.

This has served to demonstrate that democracy and human rights throughout much of the world, but particularly in the predominant countries, is nothing but a slogan and a mask to hide the ugly face of exploitation and colonization, as evidenced right after the occupations of Iraq, Afghanistan, etc. The official west especially the United States and Britain unfortunately have played unacceptable and negative roles in the process of changing in the Middle East. This barbarian policy may push people in the region to affect important changes, as history is always abundant- with unexpected scenarios.

As a concept and as a principle, A' Shura in Islam does not differ significantly from democracy. Both A' Shura and democracy arose from the central consideration that collective deliberation is more likely to lead to a fair and sound result for the social good than individual preference. Both concepts also assumed that majority judgment tends to be more comprehensive and accurate than minority judgment. As principles, A' Shura and

democracy proceed from the core idea that all people are equal in rights and responsibilities. Both thereby commit to the rule of the people through application of the law rather than the rule of individuals or a family by autocratic decree. Both affirm that a more comprehensive fulfilment of the principles and values by which humanity prospers cannot be achieved in a non-Shura, non-democratic environment.

Definitely, the Shura is not rejecting or incompatible with the basic elements of a democratic system. The Qur'an mentions A' Shura as a principle governing the public life of the society of the faithful rather than a specifically ordained system of governance. There are cultural specifics rooted in the history of every nation that might justify differences in how the democratic principle is applied. Some people claim that Arabs are not yet ready for democracy or *Shura* governance and that they do not appreciate the democratic principle and values needed to embrace the rule of law, as opposed to the rule of individuals. Such a claim is perverse, unfair, or bad judgment. Any nation that emerged from the civilization of Islam was enjoined to exercise A' Shura. Such nations were nurtured with the principles of justice, equality, and human dignity, values, which sustain and enhance the human experience. Such nations simply cannot be less qualified to exercise democracy than other nations.

Sulaiman argues that democracy and the Shura are “synonymous” in conception and principles although they may differ in details of application to conform to local customs and circumstances. They reject any government lacking the legitimacy of free elections, accountability, and the people's power, through the constitutional process. The logic of Shura like the logic of democracy does not accept hereditary rule, for wisdom and competence are never the monopoly of any one individual or family. Likewise, the A' Shura and democracy reject government by force, for any rule sustained by coercion is illegitimate. Moreover, the Shura and democracy forbid privileges political, social, and economic claimed on the basis of tribal or racial lineage or social prestige.⁹⁶

⁹⁶ Sadek J. Sulaiman, Democracy and *Shura* <http://www.alhewar.com/SadekDemAndShura.htm>

The Shura and democracy are thus one and the same concept. They prod us to find better realizations of the principles of justice, equality, and human dignity in our collective socio-political experience. These principles merit implementation in national life across the entire Arab homeland. Let us hope that Shura or democracy, the choice of terms makes no difference will find supporters who aspire for a brighter future. The current Omani democratic process is in its infancy stage and immature, but the establishment of Majlis A' Shura despite its lack of power, may be considered as a small point in the direction of the political reform process as a result of numerous internal and external factors.

The controversial amendments of 1997 concerning the two chambers of the Council of Oman have weakened further the powers and roles of the Majlis A' Shura and gave the government extra extensive authority under these amendments. The Majlis A' Shura has no authority to amend or discuss the Basic Statute (the only official 'Constitutional like' document), and it has no authority to propose, amend or ratify laws. Many enlightened members of the Majlis voiced their disappointment and hoped the government would listen to the people and change its mind.

Two key powers are required for parliaments to wrest absolute control from authorities and to thus democratise the state - the power to remove ministers and the power to block legislation. The authority of the Oman's Majlis A' Shura is not substantial in either respect so far. The Sultanate's Basic Law gives the Majlis no powers, merely noting that the powers will be specified by law. The ultimate authority to issue laws lies with the Sultan himself.

The elections held in 2003 for Majlis A' Shura were considered much fairer than those organized by most authoritarian regimes. Apparently there is no direct interference by the government in the counting of ballots, despite ongoing incidents of violations. The balloting is fair but the tribal structure of the society is drawn in a way that seriously under-represents the country's enlightened elite including intellectuals and civil right proponents.

In addition to the aforementioned reasons behind the establishment of Majlis A' Shura, there are other internal and external reasons pertaining to all fields of social activity including political, social, economic and cultural domains. Transformations such as the historical changes in Eastern Europe i.e. the collapse of the soviet union and the new realities of globalization and new world order, were alluded to by the Sultan as new realities and noted their far reaching consequences on the Gulf region in the 1990 GCC Summit to the effect that nations of the Gulf and Oman in particular, must adapt to the new geopolitical environment. To this end, the Sultan announced his intention to create a new council (the Majlis A' Shura) to replace the entirely appointed body of the State Consultative Council (SCC) that had been established in 1981.⁹⁷

The government and members of the ruling elite sought to gain the support of the tribes and other powerful groups of Omani society, including the newly educated youth and leading notable families. Most of these diverse segments of the population were represented in the Majlis A' Shura as members by being selected by the government and were consequently given more importance and provided with new financial resources to secure their support for the regime.

The government sought and wanted by creating the Majlis A'Shura, to portray the regime to the international community as a democratic system. The increase in the demands for the people's participation in political affairs in the country particularly within Oman's new educated middle class. At the social level, the expansion of educational opportunities has produced more learned and skilled citizens who have become able to advance their demands for a democratic system in a variety of ways. The newly educated elite has become able to express its desires and wishes in a collective and organized manner rather than individual. The developing educational level of the Omani population in general has increased demands for political participation and allowed Omanis to exert pressure towards playing more roles in the public life. The deterioration of the national economy witnessed

⁹⁷ Abdulkarim, Adel.A.A Political economy and political development in the Arabian Peninsula: the case of the Sultanate of Oman, U.K degree date 1997, p.202

in the 1990s and the inability of the government to provide the same level of services have pushed the citizens to criticize the policies of the government and to denounce corruption.⁹⁸

10.2 Views and Suggestions

In addition to all opinions and suggestions stated before, there are more others proposals and visions pertaining to improve and enhance the role and efficiency of the Majlis A' Shura and for the democratic process in general.

10.2.1 Improving the role of the Majlis A' Shura

The results of the research showed that the Majlis A' Shura is not perceived as an effective body performing an important role in the country; and that citizens are not allow to share in political decision-making. The study also showed there are a number of obstacles and weaknesses in the Majlis A' Shura processes. Unfortunately, it is still considered just to be another face of the government with many citizens describing it as a governmental institution rather than seeing it as a democratic and civil institution, which represents them.

We suggest to the concerned authorities to grant the necessity power to the Majlis A' Shura and allow it to play its hypothesized and expected role in all different fields: Political, social, economic, cultural and any other areas. On other hand it is also most important to grant more chances in the political participation and increase more probabilities to hold up a positive role in the public life.

In the process of consolidating the role and the status of Majlis A' Shura, I propose to establish a centre of studies related to the Majlis in order to provide members and researchers with needed information and documents.

Support the members of the Majlis by providing the Majlis with a complete and specialist team to assist the members in their duties and provide the studies and information required.

⁹⁸ Hamoud Hamed Al-kalbani, political participation in Oman Majlis A' Shura, MA in Middle East politics U.K 1998 page 6 –7

We stress the majority views and suggestions of the citizens in that the membership of the Majlis A' Shura must be occupied by the best of the members according to their qualifications, faith and loyalty to nation, irrespective of their tribes or groups.

We suggest that the juridical authority should be given the authority to decide on applications for candidacy to the Majlis A' Shura instead of interior ministry in order to attain transparency sought by the members.

10.2.2 The age of the voter

As it the case, in many of the countries in the world and due to the number of population, we suggest that the age of the voter be **18** years instead of 21 as practiced now.

10.2.3 Official job and the Majlis A' Shura

Article (2) of the conditions of the membership and general provisions states that abandoning governmental job be a legal condition for the Majlis A' Shura's membership eligibility. Thus any member should be aware of the fact that he/she loses his/her job automatically right after the announcement of the election results. As far as we are concerned this condition has negative as well as positive sides

10.2.4 Positives

The most important advantage is, that the member will feel partly an independent and distant from any pressure from his employer that may limit his freedom. Furthermore the a banded job may suit somebody else who may be in need of it and probably more qualified to perform it.

10.2.5. Negatives

The main negative is that a member lacks the assurance about his personal career after leaving the Majlis A' Shura. Financial problems are a major especially if the member has relied entirely on a salary from the Majlis. Thus the member becomes anxious about his future, as there is no solid guarantee that he will find a suitable job. This might then lead to

a negative performance of the member due to his justified involvement in securing his living, and working hard during membership for his self-interest leaving behind the interest of the people who voted for him.

This would weaken the role played by the member especially when we know that the majority of interests sought by the member are under the control of those who he should criticize for their inefficiency in working for the welfare of the people and for their incompetence in performing their expected duties. So, that their destiny would not be as misfortunate as those who preceded them. These sides among others have undoubtedly contributed to the weakness of the role played by the Majlis in terms of performance and rigor.

In addition to these negative sides is the abstention of those qualified people, particularly who working for the government from seeking the membership of the Majlis A' Shura as they are not ready to sacrifice their jobs.

10.2.6 Solution

We suggest that each member is supposed to keep his salary scale or more once he finishes his duties in the Majlis including all allowances and promotions he is eligible for as if he was working normally, even if duties are performed elsewhere.

It is also the view that it is not necessary to relate the job title with the salary scale. The government is not obliged to keep the job title for a member, as this would deprive others from having the post. In addition to this a member does not necessarily have to return to the same job or even the same ministry. The Civil Service should be in charge of relocating the member based on mutual requirements.

10.2.7 The Bicameral System

The regulations of the two councils (Bicameral System) should be in accordance with the democratic principle of separation of powers along with an emphasis on the necessity of coordination and cooperation between the two councils for the national interest. It is

advocated that the first council (Majlis A' Shura) be elected directly in a transparent manner and be given legislative -authorities assured by a democratic constitution. The second council (the Council of State) should be composed of skilled, experienced, incorrupt and competent members. Organizations of civil society must be represented in this council to avail of their ideas. The Sate Council should perform without having legislative authority or interfering in the authorities of the Majlis A' Shura, except in cases of providing ideas.

The stimulation of Oman Council's role has to be stressed in order to become an active national institution instead of remaining a formal institution with only one meeting at the beginning of every new term or by occasions, as is the case now. This stimulation may be reached through the following: The Council of Oman should be granted specific and well-defined functions and authorities. Common committees of the two Councils, which form the Council of Oman, should be set up in order to motivate the council and to come up with joint plans and programs without interfering in the functions of each other. A meeting should be conducted every 6 months, or at least annually to be attended by the members of both Majlis within a pre-planned schedule.

10.3 Separation of the authorities

Upon reviewing previous laws related to this study, it has become clear that the entire laws in Oman are Royal Decrees or something that is based upon them. The executive authority, for which the Sultan is the head, is at the same time the legislative authority. The Sultan is the only source providing decrees on which the different laws are built. This includes the Royal Decree No: 101/96, the basic statutes considered by some people as the country's constitution, which is issued in the total absence of any legislative body

In addition to the above mentioned there is so far no system of separation between the three authorities: legislative, executive and judicial. There should be a system that protects freedom, denounce despotism and insists on legitimacy of the state, which in turn protects

society from nepotism and injustice; and brings together the fruits of separation of authorities - as having them all in one hand the law loses its integral characteristics.⁹⁹

This argues for a subscription to the idea of a flexible separation between the three authorities: the legislative which provides the laws regardless of who is going to put them in action; the executive which executes the laws; and the judicial which interprets the laws and issue judgments in case of conflict. This separation between the three authorities should not mean an absolute disconnection between the authorities but should be how public welfare is served when there is cooperation and coordination between them. For that reason it is very important to stress for this separation provided it does not mean disintegration of the system. There is no democracy without separation of the three authorities and there is no separation without democracy. This of course starts with a decision to allow the people to participate in the management of public and all major affairs of the country. The necessity of a large participation of the people in the management of their country and in the decision-making process, is the essence of today's democratic systems. The people are not in the position to accept despotic undemocratic ways of management.

⁹⁹ Dr. Kamal Ghali, Mubadi Alqanoon Al Dusturi Wal-nuzum Al-syasisah , University of Damascus 1986-1987 p.303

Appendix 1

Sample interview

At the outset I would like to thank you for accepting my invitation to take part in these interviews and contribute your opinions to enrich this research with information and enlightened views. I also would like to thank you for your painstaking effort to make this study successful.

At the end I would like to stress the following:

- 1- The questions in this survey constitute an integral part of study to get a PhD degree from the United Kingdom that is why I hope that you adhere to objectivity required in a such scientific research. Subjective, prejudiced and narrow-minded views should be avoided but this does not mean to compromise on the freedom of opinion in voicing one's view.
- 2- Discussions and answers will be anonym. Names are kept confidential
- 3- The questions are the same for all respondents
- 4- These views will be translated into English with some necessary modification
- 5- These questions are approved by the university authorities and the ministry of high education of Oman attention

Sample Questionnaire

1. In your opinion, what are the most important reasons (internal and external) behind of establishing the Majlis A' Shura?
2. What is the extent of your satisfaction with the effective performance by the Majlis A' Shura?
3. What is the extent of the members' freedom to express their viewpoints during the deliberations of Majlis A' Shura ?

4. Does the government refer to the Majlis A' Shura in taking particularly important decisions?
5. What is the effect of the Majlis A' Shura's views upon the process of decisions undertaken by the government?
6. Does the Majlis A' Shura have the authority to reject bills because it is acting outside its specialization or for any other reason?
7. What is the extent of the awareness of the citizens' concerning the effectiveness of the Majlis A' Shura according to your own thinking?
8. If you consider that the citizens' awareness of the effectiveness of the Majlis A' Shura is very low, what are the reasons for that in your viewpoint? And what are the solutions thereto?
9. The Slogan of graduation was raised during the stages of the Majlis A' Shura, Was the graduation necessary, and has it included major progress in the functions and powers of the Majlis?
10. What are your viewpoints and suggestions for enhancing and developing the performance and effectiveness of the Omani Majlis A' Shura?
11. What is your assessment of the role of the State Council, and which of the two Councils' opinion should be accounted in case of disagreement on certain issues?
12. Any other opinions or suggestions?

Appendix 2

Analysis of Questionnaire Responses

| Percentages | No internal or external reasons | Internal and External reasons | 1 |
|-------------|---------------------------------|-------------------------------|---|
| | | | |

| | | | | | | |
|-----|-----|--|------------------------------|------------------------------|---|---|
| | | | It has authorities | It does not have authorities | 8 | What do you think are the reasons behind the weakness of the Majlis? |
| 3% | 97% | | <p>It was not beneficial</p> | <p>It was not beneficial</p> | 9 | Was the slogan of graduation policy raised during the stages of the Majlis A' Shura necessary? and has it included major progress in the functions and powers of the Majlis A' Shura? |
| 21% | 79% | | <p>relatively beneficial</p> | <p>It was not beneficial</p> | | |

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